

Also, memorial of the Military Order of Foreign Wars of the United States, favoring amendment to the selective-service law by requiring registration of all men from 19 to 31 years of age; to the Committee on Military Affairs.

Also, memorial of the Topeka Chamber of Commerce, favoring repeal of the second-class postage provision of the revenue bill; to the Committee on Ways and Means.

By Mr. VARE: Memorial of the city council of Philadelphia, Pa., against abolition of pneumatic mail tubes in Philadelphia; to the Committee on the Post Office and Post Roads.

Also, memorial of the Federal Employees Union, No 23, customs service, Philadelphia, favoring passage of the Keating and Nolan bills; to the Committee on Appropriations.

SENATE.

TUESDAY, January 15, 1918.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, give unto us grace to meet the solemn responsibilities of this day, and when we come to its close may we cease with the comforting satisfaction of having accomplished God's will and of having filled up the measure of the day with the largest possible amount of usefulness on the part of every one of us. Guide us by Thine own unerring counsel into the larger life. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

THE SHIPPING SITUATION.

Mr. McCUMBER. Mr. President, I wish to give notice that to-morrow morning immediately after the close of the routine morning business I shall ask permission of the Senate to submit some remarks concerning the shipping situation of the world to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, transmitted to the Senate resolutions on the death of Hon. JAMES H. BRADY, late a Senator from the State of Idaho.

SURPLUS AND OBSOLETE MATERIAL (H. DOC. NO. 789).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, statements covering the sale of surplus and obsolete material and equipment during the year ended June 30, 1917, and collections from town site assessments to June 30, 1917, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SCHOOLS IN ALASKA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement relative to the transfers of moneys from "The proceeds of town sites for schools and other improvements, Alaska," and "Construction and operation of railroads in Alaska," which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CONSTRUCTION OF ROADS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report of expenditures for the fiscal year 1917, out of the funds appropriated for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, together with a report of the expenditures for the construction of rural post roads under the Federal aid road act, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

FOOD PRODUCTS (H. DOC. NO. 785).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed report of the expenditure of all moneys from the period from August 10 to November 15, 1917, appropriated under the act "to provide for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

LIST OF CLAIMS (S. DOC. NO. 162).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of cases referred

to the Court of Claims by the United States Senate under the act of March 3, 1887, commonly known as the Tucker Act, and dismissed by the court November 12, 1917, on motion of the defendants, etc., which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO. (H. DOC. NO. 794).

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 793).

The VICE PRESIDENT laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Norris	Smith, Ga.
Calder	Johnson, S. Dak.	Overman	Smith, Md.
Chamberlain	Jones, Wash.	Ransdell	Smoot
Fernald	Kenyon	Robinson	Swanson
Fletcher	Kirby	Saulsbury	Townsend
France	Knox	Shafroth	Trammell
Gronna	McCumber	Sheppard	Vardaman
Hale	McNary	Shields	Wadsworth
Harding	Nelson	Smith, Ariz.	

Mr. SHEPPARD. I desire to announce that the Senator from Illinois [Mr. LEWIS], the Senator from Rhode Island [Mr. GERRY], the Senator from California [Mr. PHELAN], and the Senator from Kansas [Mr. THOMPSON] are detained on important public business.

Mr. JAMES. I wish to announce that my colleague [Mr. BECKHAM] is absent on official business.

Mr. RANSDELL. I desire to announce the continued absence of my colleague [Mr. BROUSSARD] on account of illness.

Mr. TOWNSEND. I wish to announce the absence of my colleague [Mr. SMITH of Michigan], who reports that he is storm bound on his way to Washington. This announcement may stand for the day.

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. JOHNSON of California answered to his name when called.

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present.

Mr. SMOOT. I desire to announce that the Senator from New Hampshire [Mr. GALLINGER] is unavoidably detained from the Senate and that the Senator from Kansas [Mr. CURTIS] is absent on official business.

Mr. UNDERWOOD, Mr. POINDEXTER, and Mr. COLT entered the Chamber and answered to their names.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. REED, Mr. MARTIN, Mr. MCKELLAR, Mr. NEW, Mr. WEEKS, Mr. PITTMAN, Mr. CUMMINS, Mr. KELLOGG, Mr. SMITH of South Carolina, and Mr. POMERENE entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT. Mr. President, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

PETITIONS.

Mr. TOWNSEND presented a petition of the Trades and Labor Council of Lansing, Mich., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. FERNALD presented resolutions adopted by the Maine Sportsmen's Fish and Game Protective Association, favoring the enactment of legislation relative to the proper protection of migratory birds, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. JOHNSON of South Dakota. I have two telegrams, one from C. M. Day, editor of the Argus, of Sioux Falls, S. Dak.,

and the other from W. R. Ronald, publisher of the Daily Republican, of Mitchell, S. Dak., relative to the control of the print-paper industry, which I ask to have printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

SIoux FALLS, S. DAK., January 14, 1918.

Hon. E. S. JOHNSON,
United States Senator, Washington, D. C.:

South Dakota publishers who have suffered terribly from extortionate prices of print paper are to a man in favor of Smith resolution giving Federal Trade Commission power to regulate the price of print paper. Manufacturers are planning further aggressions if this resolution fails.

C. M. DAY, Editor Argus Leader.

MITCHELL, S. DAK., January 14, 1918.

Hon. ED. JOHNSON,
United States Senator, Washington, D. C.:

Permit me respectfully to urge you to support the Smith resolution for control of print-paper industry. Twelve hundred papers were forced out of business last year, yet papers are called upon constantly to help the Government in war activities. Are they not entitled to protection against a combine so unscrupulous as was shown in evidence in recent hearing in United States court at New York? Publishers want only justice and mills can suffer no injury at the hands of the Trade Commission.

W. R. RONALD,
Publisher Daily Republican.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 3387) to authorize and empower the President to create military zones around shipyards where vessels are under construction for the United States, reported it with an amendment and submitted a report (No. 190) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 3388) to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 30, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes (Rept. No. 191); and

A bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes (Rept. No. 192).

Mr. SHAFROTH, from the Committee on Public Lands, to which was referred the bill (S. 1849) permitting minors of the age of 18 years or over to make homestead entry of the public lands of the United States, reported it without amendment and submitted a report (No. 189) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 3470) to amend section 35 of the Criminal Code of the United States (with accompanying papers);

A bill (S. 3471) to authorize the Secretary of War to grant furloughs without pay and allowances to enlisted men of the Army of the United States;

A bill (S. 3472) to authorize the Secretary of War to provide and issue distinctive buttons or badges to men drafted or volunteering for enlistment in the military forces who are exempted or rejected, and to provide a penalty for unlawfully wearing, procuring, or manufacturing the same (with accompanying papers);

A bill (S. 3473) to provide for the importation into the United States without the payment of duty of raw materials, parts or partly fabricated parts of equipment, and finished equipment for war purposes (with accompanying papers); and

A bill (S. 3474) to amend section 600 of an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917 (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 3475) to prescribe the requisite form of proof of death under policies or contracts of insurance covering the lives of persons in or serving with or attached to the military forces of the United States, and for other purposes (with accompanying papers); to the Committee on Finance.

A bill (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the Field Medical Supply Depot of the Army (with accompanying papers); to the Committee on the District of Columbia.

A bill (S. 3477) granting a pension to Lillie Walk (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3478) amending the act commonly known as the "espionage act"; and

A bill (S. 3479) amending an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

A bill (S. 3480) to amend paragraph A, section 500, of an act entitled "An act to provide revenue to defray war expenses, and for other purposes"; to the Committee on Finance.

By Mr. NELSON:

A bill (S. 3481) to authorize the logging of timber on the Red Lake Indian Forest, Minn., under the direction of the Department of the Interior; to the Committee on Indian Affairs.

By Mr. McKELLAR:

A bill (S. 3482) to protect officers and enlisted men in the Army from discrimination; to the Committee on Military Affairs.

By Mr. SHIELDS:

A bill (S. 3483) to fix the salary of the assistant United States district attorney for the western district of Tennessee; to the Committee on the Judiciary.

A bill (S. 3484) granting an increase of pension to John L. Johnson;

A bill (S. 3485) granting an increase of pension to Oliver P. Chambers;

A bill (S. 3486) granting a pension to William R. Phillips;

A bill (S. 3487) granting an increase of pension to Thomas W. Stone; and

A bill (S. 3488) granting a pension to Tide Owens; to the Committee on Pensions.

By Mr. NEW:

A bill (S. 3489) granting an increase of pension to Daniel Barngrover;

A bill (S. 3490) granting a pension to Marshall E. Shutters;

A bill (S. 3491) granting a pension to Emma Emery;

A bill (S. 3492) granting an increase of pension to John M. Taylor;

A bill (S. 3493) granting a pension to Edgar L. Thompson;

A bill (S. 3494) granting an increase of pension to James W. Mefford;

A bill (S. 3495) granting an increase of pension to William S. Patterson;

A bill (S. 3496) granting a pension to Emma Pierce Sayce;

A bill (S. 3497) granting a pension to Frank H. Seay;

A bill (S. 3498) granting a pension to Henry C. Smither;

A bill (S. 3499) granting an increase of pension to John D. Swift (with accompanying papers);

A bill (S. 3500) granting an increase of pension to Leander Johnston (with accompanying papers);

A bill (S. 3501) granting an increase of pension to Theodore Routh (with accompanying papers);

A bill (S. 3502) granting an increase of pension to Elisha D. Turner (with accompanying papers); and

A bill (S. 3503) granting an increase of pension to Arnold Bauer (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 3504) to provide further for the national security and common defense by the conservation of foodstuffs, feeds, and materials necessary for the production, manufacture, and preservation of foodstuffs and feeds; to the Committee on Interstate Commerce.

By Mr. HITCHCOCK:

A bill (S. 3505) authorizing the President of the United States to strike certain names from the lists of Army and Navy deserters; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota:

A bill (S. 3506) authorizing the Secretary of the Interior to aid lessees of Indian lands in increasing the food and forage supply of the country, and for other purposes; to the Committee on Indian Affairs.

By Mr. TOWNSEND:

A bill (S. 3507) granting a pension to Sylvester Oatman (with accompanying papers); to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 3508) to amend an act approved May 28, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; to the Committee on the Judiciary.

By Mr. BANKHEAD:

A bill (S. 3509) for the relief of Bertram T. Clayton, jr.; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 3510) for the relief of the Woman's Board of Domestic Missions, Reformed Church of America; and

A bill (S. 3511) authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims; to the Committee on Indian Affairs.

A bill (S. 3512) granting a pension to Charles E. Mann;

A bill (S. 3513) granting an increase of pension to George W. Case; and

A bill (S. 3514) granting a pension to John R. Tucker (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 3515) granting an increase of pension to George W. Evans (with accompanying papers);

A bill (S. 3516) granting a pension to Z. H. Golden (with accompanying papers);

A bill (S. 3517) granting a pension to Cora Summers (with accompanying paper);

A bill (S. 3518) granting a pension to George C. Williams (with accompanying papers);

A bill (S. 3519) granting a pension to Esther E. Cooper (with accompanying papers); and

A bill (S. 3520) granting a pension to Helen Sherry (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 123) providing for the calling into immediate military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States" (with accompanying papers); and

A joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons, citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

NAVAL OIL SUPPLY.

Mr. SWANSON. Mr. President, at the last session of the Senate I presented a bill relative to the production, use, and conservation of oil and gas in naval petroleum reserves. The senior Senator from Colorado [Mr. THOMAS] objected to the introduction of the bill, and under the rule it went over one day. At that time I moved that it be referred to the Committee on Naval Affairs.

I now ask that the bill be read and referred to the Committee on Naval Affairs.

I should like to say in this connection that the Senator from Utah, as I understand, objects to the reference of the bill to the Committee on Naval Affairs and desires that it be sent to the Committee on Public Lands. As I understand the rules of the Senate, there is no rule affecting the reference of bills, except Rule XVI, which provides, under certain conditions, how an appropriation bill shall be referred; that bills making appropriations for the Navy shall be referred to the Committee on Naval Affairs, and so forth.

This bill affects lands that had been set aside by an order of the President in 1912, exclusively for the use and benefit of the Navy. That is the language under which this land was originally set aside. This bill proposes to condemn this land; that is, to condemn a portion of the land that has become private and for which patent has been issued, to pay for it, and to let the entire land be developed by the Navy in order to secure oil and conserve it.

As I understand, the contention of the Senator from Utah is that the bill should be referred to the Committee on Public Lands, the Senator claiming that the lands affected are public lands. I should like to make this distinction, that, while they are governmental lands, they are not public lands. As I understand, public lands are lands that are open to entry by the public. A navy yard is governmental land, but it is not public land; that is, the public has no right under the Pickett Act and other acts to make any entry on the land embraced within the naval reserves as public lands. They have been set aside for the exclusive use and benefit of the Navy; they are subject to use by the Navy, and, consequently, are within the control of the Navy. Therefore the proper reference of this bill is to the Committee on Naval Affairs.

In addition to that, I desire to say that this bill should go to a committee that is friendly. If the Senate is friendly to the protection of the naval reserves and desires them to be used for the benefit of the Navy, and it has the authority to refer bills to suit itself, the proper committee to have jurisdiction of the bill under the rules and precedents of the Senate is the Committee on Naval Affairs.

Mr. SMITH of Georgia. Mr. President, will the Senator state just how these lands became naval reserve lands?

Mr. SWANSON. The President by proclamation—I think in September, 1909—set aside certain lands from public entry as a reserve. Then, on June 25, 1910, the Pickett Act sustained the right to exclude these lands from public entry and authorized the President to set aside lands for naval and other purposes. In 1912 the President set aside these lands for the Navy as a naval reserve, using the language "for the exclusive use and benefit of the Navy." This bill does not affect any lands except those that have been set aside "for the exclusive use and benefit of the Navy."

Mr. SMITH of Georgia. Then these lands, by due legal procedure, under acts of the President and under acts of Congress, are now naval reserve lands?

Mr. SWANSON. Absolutely, and nothing else. They have been set aside "for the exclusive use and benefit of the Navy."

Mr. SMITH of Georgia. And what the Senator asks is that they all be handled and that legislation with reference to them be handled by the Naval Committee?

Mr. SWANSON. By the Naval Committee, like a navy yard or any other property pertaining to the Navy.

Mr. SMOOT. Mr. President, I hope the Senator from Georgia will not make up his mind on that question until I call his particular attention to the language of the bill.

I am rather surprised at the statement which has been made by the Senator from Virginia. The Senator says that these lands are not public lands; that included in the area are some lands within the withdrawn area to which title has been secured, and therefore they are not public lands. Mr. President, all I ask Senators to do is to read the bill. Perhaps I had better read portions of the bill so that the Senate will see exactly what it provides:

That the absolute title and right of possession to any oil or gas lands within the exterior boundaries of naval petroleum reserve No. 1, in California, as defined and established by Executive order dated September 2, 1912, naval petroleum reserve No. 2, in California, as defined and established by Executive order dated December 13, 1912, and naval petroleum reserve No. 3, in Wyoming, as defined and established by Executive order dated April 30, 1915, together with any oil and gas wells, machinery, equipment, appliances, and other property on, useful for, and incidental to the production, storage, transportation, refining, use, protection, and conservation of oil and gas on or in connection with said lands shall become vested in the United States upon the issuance from time to time by the President of an Executive order or proclamation to that effect, containing a description of said lands and other property; and thereupon it shall be the duty of the Secretary of the Navy to take possession of all properties so vested in the United States—

That is, by proclamation of the President—

to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, refine, sell, or otherwise dispose of the oil and gas products thereof for the benefit of the United States.

SEC. 2. That all moneys derived from the operations conducted under the preceding section shall constitute an operating fund which shall be used by the Secretary of the Navy for continued operations of the same character; that this fund shall be reimbursed from the proper appropriations on account of the oil and gas products from said properties used by the United States at actual cost; and that any sums not required for such purposes of operation shall be covered into the Treasury as general receipts.

SEC. 3. That the Secretary of the Navy is hereby authorized to employ such persons, purchase such equipment and supplies, make such contracts, erect and maintain such structures, and prescribe such rules and regulations as may be necessary in his judgment to enable him to carry into effect the provisions of this act; and for such purposes there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to be available immediately and until expended.

SEC. 4. That the President is hereby authorized, in such manner as he may direct, to agree with any claimant or owner of any property taken under this act upon a division of lands or the proceeds of operation, upon any exchange of lands without the naval petroleum reserves for lands within the reserves, or upon a compensation in money for the relinquishment or transfer to the United States of any such claim or property, and any amount so agreed upon shall be paid by the Treasurer to such claimant or owner; that in the event of a disagreement upon the amount of compensation to be paid in any case, such amount may be determined by the President, and thereupon the claimant or owner shall be paid 75 per cent of such amount, and shall have the right to recover from the United States such further sum as, added to such 75 per cent, will amount to just compensation.

Mr. President, this question has been before the Public Lands Committee for a great number of years. The Pickett Act, referred to by the Senator, came from the Public Lands Committee, authorizing the President to withdraw these lands. I had the privilege of reporting that act to the Senate. This very question has been reported to the Senate from the Public Lands

Committee time and time again, and in my opinion would have been passed but for the disagreement between officials of the Interior Department and the Navy Department.

It is not because the Public Lands Committee is adverse to legislation of this kind that legislation has not been enacted long ago. If this bill was referred to the Public Lands Committee, I have no doubt but that it would report the bill to the Senate, perhaps with some amendments, not interfering in the least with any rights that the Government may have under the withdrawal order of the President, and the Senator does the Public Lands Committee of the Senate an injustice when he implies that it is an unfriendly committee.

Now, however, the Navy Department comes to the Naval Affairs Committee of the Senate and selects a member of that committee to introduce the bill and ask that it be referred to the Naval Affairs Committee—a committee that has not had one thing to do with the consideration of legislation of this character in the past. I want to say to the Senator from Virginia that there are hundreds of individual or corporate claimants in the naval reserves, and there are many owners of claims within the reserves, and this bill provides how those claimants shall undertake to secure title to their claims. Not only that, but it actually provides that the owner of an oil claim within the exterior boundaries of one of these petroleum reserves can exchange, if agreeable to the Secretary of the Interior, for public lands outside of the reserve. Does the Naval Affairs Committee have anything to do with public lands? Have they ever had such a bill referred to them? If so, it was before ever I entered this body.

The bill, as I say, goes so far as to authorize the exchange of lands—lands within the reserve, the titles to which there is no question; lands within the reserve, the titles to which have not passed from the Government.

Mr. SHAFROTH. Mr. President, will the Senator yield?

Mr. SMOOT. I yield to the Senator from Colorado.

Mr. SHAFROTH. Mr. President, let me suggest to the Senator that we have had bills before us frequently with regard to reservations. We are continually reserving forest lands and taking up lands inside of the forest reserves and putting them back into the public domain for entry, and yet no bill for that purpose has been referred to the Committee on Agriculture and Forestry, although that is the committee that has jurisdiction of all matters relating to the administration of forest reserves. When it comes, however, to titles and transfers of the public domain, the Public Lands Committee always has been recognized as having jurisdiction, both in the House of Representatives and in the Senate of the United States.

It seems to me that, in view of the fact that this bill deals in that manner with lands that are reserved by proclamation and every bill relating to that subject has been referred to the Committee on Public Lands, they ought to be considered strong precedents for referring this bill to the Committee on Public Lands.

Mr. SMOOT. Mr. President the Senator from Colorado is absolutely correct.

Again, section 5 of this bill provides:

That in all cases of disagreement mentioned in the preceding section, and in all cases in which the property taken is claimed by the United States independently of this act, appropriate proceedings for determination of the preexisting right and title to such property, and the value thereof if determined not to be the property of the United States independently of this act, shall be promptly instituted by the Attorney General in the name of the United States, or may be instituted by any claimant of such property against the United States, in the respective district courts of the United States for the judicial districts in which such property is situated—

And so forth.

Why, Mr. President, supposing there were a bill introduced into the Senate that had particular reference to the Navy of the United States, and some Senator from the Public Lands Committee introduced it and asked that it be referred to the Committee on Public Lands. The Senator from Virginia would be the very first Senator upon the floor to object, and I would support him. Senate committees are created for the purpose of handling bills and resolutions covering subjects for which the committee was originally created, and this is nothing more than an undertaking on the part of a member of the Naval Affairs Committee to take from the Public Lands Committee of the Senate a subject matter that the Public Lands Committee has considered for years, and a matter that would have been settled years ago if it had not been for the dispute between officials of two departments of our Government. If this bill does not go to the Public Lands Committee there is no bill that ought to go there affecting the public lands of this country.

Mr. President, I wish the Senators were present so that they could hear what is being said in relation to this matter, for I know that no Senator who reads the bill and has any under-

standing of the history of legislation affecting this question in the past would for a moment consent to its being sent to the Committee on Naval Affairs.

Mr. President, I do not know that it is worth while for me to take any more of the time of the Senate, but I do trust that when the vote is taken upon this question we are not going to violate all of the precedents of this body and take a bill that deals directly with the public lands of this country from the Public Lands Committee and send it to the Naval Affairs Committee.

Mr. SWANSON and Mr. SHAFROTH addressed the Chair.

The VICE PRESIDENT. The Senator from Virginia. Before the Senator from Virginia begins, the Chair is going to rule on this very important subject that two speeches of five minutes each are all that will be allowed to each Senator.

Mr. SWANSON. I yield to the Senator from Colorado.

Mr. SHAFROTH. Mr. President, I believe that this is a matter which is within the jurisdiction of the Public Lands Committee, as has been uniformly the rule, as I understand; and, consequently, it ought to be referred to that committee.

I want to call attention to the fact that we have various reserves. The truth of the matter is that we have almost killed development of the West by reservations, beginning about 25 years ago. We have had coal reservations, petroleum reservations, and forest reservations; but nobody has ever thought that you had to refer a bill to the particular committee that may have to do with some policy of administration with relation to them, and deprive the Public Lands Committee of its jurisdiction.

Mr. President, those precedents have been numerous. Instead of being confined to one, there have been any number of instances of the kind. Legislation affecting forest reserves is never sent to the Committee on Agriculture and Forestry, but is sent to the Committee on Public Lands every time. Inasmuch as this bill provides explicitly for the exchange of lands in this naval reserve for public lands on the outside, it seems to me it is absurd to say that the Public Lands Committee has not jurisdiction.

But, Mr. President, this very question has been before the Public Lands Committee for a long while; hundreds of pages of testimony have been taken by it, and its members thought it was solved by the reporting of a bill providing for certain remedies and certain relief. You will remember that the Senator from California [Mr. PHELAN] was urgent in insisting that that provision should remain in the bill which was passed here on last Monday. There the whole problem, it seemed to us, was treated fairly. When the time came for considering the bill the Senator from Virginia said that he would introduce a bill dealing with this particular subject. He did not say that he was going to have that bill referred to the Committee on Naval Affairs. He was simply to draft it and introduce it. I have not examined the bill as to its merits and therefore express no view as to anything but the reference of the bill. It ought to go where all the precedents say that it should go, because it deals with the public lands and the exchange of lands, over which the Committee on Public Lands unquestionably has jurisdiction.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me—

Mr. SHAFROTH. Certainly.

Mr. SMITH of Arizona. I will suggest to my friend that if there is any committee of the Senate that knows about the public lands, the necessity for exchanges, and so on, I should think it would be that committee which has had jurisdiction and has had so much experience within the last two years with all these questions. I doubt whether the Naval Affairs Committee has any more idea about the proper disposition of these particular things than any other committee of this body.

Mr. SHAFROTH. If the Senator will allow me, we have only five minutes, and I shall be glad if the Senator will pursue that thought in further remarks.

Mr. President, when we reserve coal lands and treat the matter with respect to mining coal, we do not refer the bills to the Committee on Mines and Mining. We had that very question tested in the Senate here about a year ago, when the question arose as to whether a certain bill that provided for the development of reserved coal lands should be referred to the Public Lands Committee or to the Committee on Mines and Mining. The result was that after the consideration of the matter and a very full discussion the Senate, by a large majority, held that the bill should not be referred to the Committee on Mines and Mining. Although I was a member of that committee and was not at that time a member of the Committee on Public Lands, I advocated that it should be held in the committee to which all precedents had assigned it.

The Agricultural Committee does not take jurisdiction of matters relating to the forests when they touch the transfer of public domain at all. The Committee on Mines and Mining

never attempts to interfere with bills involving mining on the public domain, nor has there been any suggestion of it except in that one instance, when the Senator from Montana [Mr. WALSH] tried to have a bill referred to the Committee on Mines and Mining. Then the precedent was unquestioned that it should go to the Committee on Public Lands, and we have gotten a good bill out with relation to that matter.

The VICE PRESIDENT. The time of the Senator from Colorado has expired.

Mr. SMITH of Georgia. Mr. President, if this were simply a question of carving out from the public domain certain land and setting it apart for naval purposes, unquestionably the bill would belong to the Committee on Public Lands. It may be that there are some features of the bill that could properly go to the Committee on Public Lands. It frequently happens that a bill contains features part of which might properly go to one committee and part to another. The main features of this bill are provisions that fix the manner in which the Secretary of the Navy is to handle this property. It has already been carved from the public domain. It has already been separated by executive orders and in pursuance of legislation from the public domain. It is set apart to be used for naval purposes.

This bill gives the Secretary of the Navy the power to use it. This bill provides matter that is entirely disconnected from the work of the Committee on Public Lands.

Section 1 provides:

And thereupon it shall be the duty of the Secretary of the Navy to take possession of all properties so vested in the United States, to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, refine, sell, or otherwise dispose of the oil and gas products thereof for the benefit of the United States.

Certainly that is the work of the Navy, and the consideration of that proposition is the work of the Naval Affairs Committee. The next section provides:

That all moneys derived from the operations conducted under the preceding section shall constitute an operating fund which shall be used by the Secretary of the Navy for continued operations of the same character; that this fund shall be reimbursed from the proper appropriations on account of the oil and gas products from said properties used by the United States at actual cost; and that any sums not required for such purposes of operation shall be covered into the Treasury as general receipts.

Section 2 involves the work of the Navy. Section 3 involves the work of the Navy. Section 4 involves the work of the Navy and applies to public lands. It authorizes the Navy Department to exchange a portion of these lands set apart for the Navy for lands outside. It is true that the lands outside might properly be handled by the Committee on Public Lands, but the process of exchange may well devolve upon the Committee on Naval Affairs.

So, Mr. President, the bulk of this bill bears upon authority to the Secretary of the Navy to perform certain duties and carry out certain acts with which the bill charges him. It is not at all a case of taking from the public domain. That legislation went to the Committee on Public Lands, and went there properly; but that legislation having been passed, and the property having been carved out to be used for naval affairs, this bill undertakes to provide the way. It is introduced by the Senator from Virginia, the leading member of the Committee on Naval Affairs. It is to place responsibility upon the Navy Department. It is to give it the machinery to execute that responsibility. The Committee on Public Lands has nothing to do with a measure of this kind. It is not the work of the Committee on Public Lands. Granting that there are a few features of the bill which might go to it, the preponderating features of the bill are measures that belong to the Navy, and therefore the bill should go to the Committee on Naval Affairs, and I do not think the Committee on Public Lands would have any right to object or should object. There is practically nothing in this bill that would fall within their province. There is a great deal in it that falls within the province of the Committee on Naval Affairs. The Senator from Virginia introduced the bill and moves that it go to the Committee of which he is often the acting chairman and always a leading member. His motion for reference is justified by the nature of the bill. His wishes should be respected.

Mr. SWANSON. Mr. President, if there ever was an attempt in the Senate on the part of a committee to take jurisdiction of a matter to which it is not entitled, it is the effort of the Senator from Utah [Mr. SMOOT] to get possession of this bill.

This land is governmental land, but not public land. You have as much right to take jurisdiction of a navy yard and say what shall be done to use it, to condemn land for a navy yard, as you have to do this. There is a distinction between governmental land and public land. Public land is land that is open to the public for entry. Not an acre of this land is open to the

public for entry—not an acre of it. The Committee on Public Lands got rid of its jurisdiction when it allowed this land to be set aside for the exclusive use and benefit of the Navy.

What committee has jurisdiction of the sale of property belonging to the Navy? All that this bill does is to condemn private property in the naval reserve, set aside for the exclusive use and benefit of the Navy, so that the Government can get possession of private property.

The only thing in this matter that this jurisdiction can possibly hang on would be the exchange of these naval reserve lands for some lands outside. That is true, but the Committee on Naval Affairs has equal jurisdiction and equal right to jurisdiction on that phase of it. But take the rest of the measure. There is \$1,000,000 appropriated for development, to get machinery, to make disposition of it, to store the oil, and I should like to know when the Naval Committee has ever been deprived of the privilege of providing storage for oil in the Navy or the means of developing the oil supply.

If there ever was an effort made in the Senate to encroach upon the jurisdiction of another committee it is the effort that is made by the Senator from Utah. He can not distinguish between governmental land and public land. Does not the Senator know well that there is not an acre of this land under the law that is open to public entry now? Is not that true? There is not an acre of it open to public entry, and he knows it as well as I do. This land has been set aside by law for the exclusive use and benefit of the Navy. It was so stated in the proclamation. Who is to determine the amount of money necessary for a storage plant where it can be refined for the Navy to be used for battleships? It is the Committee on Naval Affairs that ought to determine the policy marked out for the Navy, and not the Committee on Public Lands.

This subject was improperly brought in here, and it was taken out from the bill then pending because we insisted that the disposition of this land and its development should be determined by the Naval Committee. Nine-tenths—yes, ninety-nine one-hundredths—of the bill is under the Secretary of the Navy, directed by the Secretary of the Navy. Appropriations are made for navy yards. I have never known the Public Lands Committee to be an appropriation committee. Did it ever have jurisdiction of an appropriation bill? I should like to ask the Senator from Colorado if it has jurisdiction of an appropriation bill.

Mr. SHAFROTH. No; but the committee has jurisdiction of the public lands.

Mr. SWANSON. Is there an acre of public lands involved here that can be entered? What part can be entered? The Senator can not distinguish between public land and governmental land. Governmental land is owned by the Government, and public land is subject to entry by the public. Not an acre of this land is subject to entry by the public.

Mr. SHAFROTH. Does the Senator say that in the case of forest reserves the Public Lands Committee has no jurisdiction?

Mr. SWANSON. I do not know anything about the disposition of forest reserves.

Mr. SHAFROTH. And coal lands? The jurisdiction is in the Committee on Public Lands.

Mr. SWANSON. I do not see how the Public Lands Committee could take jurisdiction of a matter in which an appropriation is made. It is well established that this is for the benefit of the Navy. Is that entire policy simply to go to the Public Lands Committee? Has that ever been an appropriation committee? Under the precedents, the bill should go to the Committee on Naval Affairs. I have never known a bill that put aside a naval reserve on the public lands or that appropriated an amount for a navy yard and provided for condemnation proceedings that did not emanate from the Naval Committee. About one-third of this land is owned by private individuals. All we ask is the privilege of making an appropriation and providing for furnishing oil for the Navy.

Mr. JOHNSON of South Dakota. I wish to ask the Senator from Virginia before he takes his seat if this oil supply is not for the exclusive use of the Navy?

Mr. SWANSON. It authorizes the land to be set aside for the exclusive use and benefit of the Navy. It provides for sinking wells and for getting oil and storing it and taking care of it, and placing it where the Navy might need it, and keeping it in future for the Navy. It is one of the most important policies regarding the Navy that could be adopted.

Mr. SMOOT. Mr. President, all that the Senator from Virginia [Mr. SWANSON] has said does not change the history of this whole legislation. I do not think the Senator from Virginia knows that the Secretary of the Navy has been before the Public Lands Committee time and time again upon this

very legislation. We have had volumes of testimony taken before that committee upon this one question. The Secretary of the Navy never refused to come before the committee because of its lack of jurisdiction of the question. There was never anything suggested before that committee that it should go to any committee other than the Public Lands Committee.

It seems to me, Mr. President, that there is no need to take the time of the Senate upon this question, but I—

Mr. SWANSON. If the Senator will permit me—

Mr. SMOOT. I have only five minutes, and I want to get through.

The Senator asks the question, Did the Public Lands Committee ever make an appropriation? The House of Representatives make the appropriations, but there have been bills reported from the Public Lands Committee calling for appropriations for particular items named in the legislation, just the same as the bill here provides that there shall be \$1,000,000 appropriated—and untold millions appropriated—for paying for lands that are expected to be taken over by the Navy Department. There is no sum named. It is just a conditional sum, as may be found necessary. Nobody knows whether it will be \$100,000,000, \$300,000,000, \$500,000,000, or \$1,000,000,000. I hope the Congress of the United States will never enter upon this sort of legislation.

Mr. President, it is useless to think of getting very many Senators here at this time of the day, and I want the Senate to go on record on this bill when it is voted upon. I am quite sure that we can not get a record vote of the Senate to-day, and I ask that it be read once to-day and go over under Rule XIV, which provides that every bill and joint resolution shall receive three readings.

The VICE PRESIDENT. There is no doubt about that right. The bill will be read.

The bill to further provide for the common defense and general welfare of the United States with respect to the production, use, and conservation of oil and gas in naval petroleum reserves, and for other purposes, was read the first time by its title.

FEDERAL CONTROL OF RAILROADS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3385) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

CLERKS TO DISTRICT COURTS.

Mr. UNDERWOOD submitted an amendment intended to be proposed by him to the bill (S. 3079) fixing the salary of the clerks of the United States district courts; prescribing how and when they shall account for the fees collected; providing for the office expenses of such clerks, including salaries of deputy clerks and clerical assistants; and for the travel and subsistence expense of such clerks and their deputies when necessarily absent from their official residences, which was referred to the Committee on the Judiciary and ordered to be printed.

COST OF OFFICERS' UNIFORMS.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (S. 3433) requiring the Government to furnish uniforms to officers of the Army, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

SUPPLY OF PRINT PAPER.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of Arizona. I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, Senate joint resolution 101.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 101) to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of print paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States.

The VICE PRESIDENT. The pending amendment is, on page 1, line 4, after the word "empowered," to insert certain words.

Mr. FERNALD. Mr. President, this joint resolution authorizing the Government to take over the paper and pulp industry of the country, which is now under consideration by the Senate, is perhaps of the most importance to my State of any domestic measure that has come before this body in the past decade. A State where the paper industry represents one-sixth of the entire valuation of its people is naturally interested in legislation affecting it.

The census of 1914 shows that Maine had 17 mills manufacturing both pulp and paper, 13 producing pulp only, and 8 which made only paper, a total of 38 great industrial plants. They employed 10,033 workers, both men and women, in the mills alone. Many more than this number were indirectly furnished employment in the woods, getting out raw material, and in the transportation of the product. The annual wage paid to workers, exclusive of clerks and officials, was \$7,000,000. These mills had a capitalization of over \$80,000,000. The value of their annual output exceeded \$40,000,000. They paid for materials over \$22,000,000 and paid taxes of more than \$400,000. These figures have greatly increased, except in the number of mills, in the past two years.

If the claims set forth by the proponents of this bill were true in fact; if, indeed, the publishers of this country and the reading public were to be largely benefited and no serious damage were to be imposed upon another industry of my State, I should be glad to give it my unqualified indorsement; but instead of aiding those who are supposed to receive such relief it will, I believe, work the opposite and in the near future impose hardships upon those who are supposed to be benefited. I do not alone share these beliefs, nor do I think that the publishers of my State feel that the proposition would prove of assistance to them. First of all, I want to say that I have not received any communication from any publisher in Maine asking me to give this bill my support. On the other hand, from almost every manufacturer of paper in the State, at least, I have received advice that this bill would prove detrimental to their interests.

It has been said that some of the great manufacturers have operated their mills and business in restraint of trade. Whether this be true I do not know, but I do know that under the law creating the Federal Trade Commission there is ample authority to bring to justice any corporation so acting. I have always felt that the authority given the Federal Trade Commission was ample in its scope to deal with all such cases. It has authority to subpoena witnesses, to oblige every business man to open his books and divulge not only to the Federal Trade Commission but to the court as well all details of his business and lay open to the world those matters which are of so much moment and consequence to the business man.

I do not share the oft-repeated assertion that every business man is an outlaw or that all those engaged in the great manufacturing and commercial interests of the country, who have become unusually successful by their efforts, are nefarious in their practices or unjust in their dealings, or the idea that these business men of tremendous capacity should be "hung as high as Haman"; but, on the other hand, it is time now that this Government lend aid instead of attempting to hamper and embarrass the industries of this country.

It is asserted by those who favor the passage of this bill that the paper manufacturers have been extortionate in their price and unfair in their dealings. I deny the charge. These men engaged in the paper industry in this country are honest and reputable business men. First, let me comment upon this alleged extortion in price; I wish to be very careful in any statements I may make, and to assure the Members of the Senate that I can amply prove every assertion which I make. The average price of news-print paper, up to and including the year 1913, for a considerable period was about \$2.15 per hundred-weight, delivered at destination, and on that basis the great paper mills of the country were able to pay only 2 per cent annually on the preferred stock, which had back of it at least double its worth in sound value of invested capital. These prices prevailing in 1913 drove several mills into bankruptcy and the industry in this country was in a deplorable condition.

The movement across the border into Canada was begun at that time and has continued ever since. The average price of news-print paper in 1917 was \$3.10 a hundredweight, at the mill, an increase of about 50 per cent. This advance, I submit, was less than that of almost any commodity produced in our country. I believe, considering the increased demand for paper, the high cost of labor and of everything entering into the manufacture, which have been advancing by leaps and bounds, as I have stated, this advance is not unreasonable. As compared to the advance of other articles it makes a most favorable showing, as shown by the following: Advance of paper, 50 per cent; cotton, 250 per cent; wool, 300 per cent, and if other commodities were to be considered I could go through the entire list and show greater advance in these than have existed at any time in the advance of paper; for instance, the price of corn, one of the chief products in my own State, has advanced in the past few years 266½ per cent. These figures demonstrate the fallacy of the charge made against paper.

By what token does the Federal Trade Commission—for I understand that from this source comes the demand for this legis-

lation—select this industry and propose Government control for the paper business? From what business sources come the demand for this legislation? As I have stated, not a single publisher from my State, knowing full well the condition of the paper business, has asked for the enactment of this resolution.

It is natural that every business should desire to purchase its supplies at the lowest possible price. If every purchaser of goods and every association desirous of buying at a low price should come to this Congress with resolution for relief and receive assistance, every business man and every association in the country would go into the resolving business. It is also asserted that the manufacturers of paper have attempted to limit the output. So has every far-seeing citizen of this country undertaken to limit this production.

Spruce wood from which print paper is largely manufactured comes to maturity about once in 30 years. There are about 60,000,000,000 feet growing in the United States suitable for the manufacture of paper; one-third of this is growing on the soil of Maine. We can cut from now to the end of time 750,000,000 feet annually and still have our forests in prime condition, but should we extend this cut to 1,000,000,000 or one and a half billion in a very few years the forests would be depleted and there would be no source of supply. Naturally those who have large investments in paper mills are desirous of continuing the business, because when the source of supply ceases the mills become valueless and useless; for this reason the manufacturers of paper are endeavoring to conserve the supply of spruce, which clears them of the charge of wrongfully limiting the production. If you desire to aid the publishers of this country repeal the zone system enacted last session, which will in my judgment be of greater benefit to them than any possible control by the Government of the paper industry.

The paper manufacturers of our country, realizing fully the tremendous draft upon our forests, a number of years ago commenced the purchase of timber lands in Canada. The Canadians were anxious to sell these lands, which they did, at liberal prices.

Our manufacturers purchased on a generous scale, and, I may say, millions of acres were bought, believing they could ship this pulp wood to the States for manufacture. Almost immediately the Canadians passed a law placing an embargo on pulp wood and many of the mills in the country went into the hands of receivers. Many of our large and most successful manufacturers were obliged to build in Canada mills which are operating to-day. And, Senators, at this moment, instead of undertaking to pass this measure and further embarrass the paper manufacturers of this country, we should be endeavoring to remove the restrictions of the Canadian Government. We should insist that unless they remove the embargo which they have placed on pulp wood not a pound of coal or cotton from the United States be permitted to enter their border; that in order to receive our products they should be made to reciprocate.

In reply to a question propounded to my distinguished friend, the Senator from Arizona, asking if there had been any considerable advance in labor and in the production of paper he replied that the cost had slightly advanced. I do not know how he interprets that word "slightly." I have here a telegram from Frank D. True, treasurer and manager of the Poland Paper Co., which answers this completely, and which I want to read into the Record at this time. Mr. True is one of the most successful business men in Maine, whose word is accepted by every man in the State, and, further, he is an out-and-out Jeffersonian, Jacksonian Democrat, which ought to be sufficient guarantee of his integrity to my friends on the other side of the Chamber. Mr. True's wire reads as follows:

We paid for bleached sulphite pulp 1913, \$53 per ton; 1917, \$120—

An advance of more than 100 per cent.

Here I wish to say in passing that Mr. True, who is treasurer of the Poland Paper Co., an industry established in my town, for years gave his services without compensation, in an effort to keep the plant running and build up the business of the town. Perhaps a few words as to the history of this plant—and this is not an isolated case—are not out of place. It was established more than 60 years ago, and is located on one of the fine water powers of our State, and around it has grown up a thriving village. This plant to-day is operating at only 25 per cent of its capacity for the reason that it is unable to procure pulp, and the town is languishing on this account. If this company were able to secure pulp from Canada, as formerly planned, the plant would be running at its full capacity.

I cite this case because I am familiar with conditions, but this same situation exists in other localities. Many other large towns in our State, which have been built up by this industry are

equally affected, and the enactment of such legislation would seriously affect further development, and possibly curtail even present production. Permit me to call attention to the town of Rumford, containing several large mills, which for years supplied the United States Government with its postal cards. Here is a town dependent entirely upon this industry. This town has grown up in the wilderness around the paper industry.

Millinocket and East Millinocket, in another section of the State, which have been built up and become thriving and prosperous towns depend entirely upon this one industry. I might cite numerous other instances of this kind, but these are sufficient to show that this question is of vital importance to the people of my State; and I can not see how the legislation here proposed would help in any way to increase the output, but would embarrass and discourage these industries.

It is needless for me to stand here and say to the Members of the Senate that the advance in labor has been something phenomenal and that there is no industry, however small or great, but that feels the result. Every Senator knows this to be true. Only recently there appeared before the Commerce Committee a man representing the largest private shipbuilding corporation in the United States. He testified that laborers with but little experience in his shipyard were receiving from \$6 to \$10 a day and some as high as \$90 a week. I asked him where he drew these men from, and he replied, "As many as possible from the farms near my plant." In Maine to-day it is difficult to secure men to labor in the woods, and spruce timber, which is largely in demand for other purposes besides paper making, has advanced nearly 300 per cent in price. This answers the question as to whether there has been a considerable increase in the cost of producing paper.

A Senator yesterday told me that he was obliged to pay \$20 a cord for wood in this city. Let me say to you, Mr. President, that the great manufacturers of paper are to-day moving pulp and wood from Maine to Pennsylvania, at an expense of \$18 per cord, to manufacture paper with which to supply their customers.

Ah, Senators, it is time that this Congress do something toward the aid of business men and business interests; it is time for us to go into the repealing business and repeal some of the laws that are already on the statute books. The fear of what is coming, basing their knowledge on the acts which have already passed, is casting a gloom over business men and causing them seriously to consider retrenchments as precautionary measures.

The legislatures of 48 States, aside from this Congress, have been laboriously and industriously enacting laws of every conceivable character until it would seem that we were law mad. This legislation causes confusion, and every business of any considerable size is obliged to retain an attorney to guide and keep it within the law. To a liberty loving people who are desirous of square dealing and honorable methods this proceeding is unnecessary and obnoxious. More than this, it involves an expense which ultimately the consumer pays.

This measure has been brought into the Senate under the guise of helping the Executive to carry on the war, but this is absolutely no war measure. It is not necessary for this Government to go further in this direction; there is no man in this Senate, no man in this country, who is more desirous of bringing this war to a successful conclusion than I. I am willing to go to any limit to enact such laws as will assist the President in this consummation. I believe it is the duty of every citizen not only to do his bit but to do his best in this great crisis. Successfully to prosecute this war we must have men and money. Now and then a Senator declares that there must be no profiteering. If by this term is meant unfair, unjust, excessive, illegal, and exorbitant profit making, I certainly agree. But, Senators, we must allow business a fair, reasonable, and just return upon its investment. Where, Senators, is the money coming from to carry on this war unless business men are allowed to conduct their business in a reasonable and profitable way? If no man were allowed to make profit in his business, he would have nothing from which to pay taxes and no interest in the prosecution of his business. We must soon ask the country to subscribe to another bond issue. We can compel men to pay taxes, but we can not compel them to buy bonds; and I fear that unless we turn about, lend our efforts to the assistance of the business of our country, we shall not receive the response to this call which we all so much desire.

I am not naturally of a pessimistic nature. I prefer to look hopefully forward to the days succeeding this terrible war with the belief that the liberties of our people will be preserved. This Government of ours, established by the fathers, shall endure. This is no time for partisanship or sectionalism. Senators from one section of the country must not, and will not, im-

pose hardships and injustice upon others, but we must stand together, and, as Webster said more than 70 years ago, "clasp hands" and unitedly fight this great war.

I am aware that as a national question there is another side to this issue which has already been covered by many Senators in this Chamber. Two bills before this joint resolution have been introduced into the Senate providing for the censorship of the press. The first was defeated by one vote and the second by a reasonable majority; but this joint resolution, which I consider the most vicious of them all, ought to be defeated by an overwhelming majority.

I am aware that Carlyle in some of his gloomy papers has pictured this Republic in the year 2,000 as a thing of the past. I am aware that he has predicted that the free institutions which we have so firmly and successfully established will, before the end of the present century molder, decay, and have perished, and that he has attempted to demonstrate the impossibility of free government; but I have lived long enough, Senators, to see many such dire predictions as this come to naught. Yet I fear and warn you now that unless some encouragement be given to those engaged in the business interests of this country and to all who are trying to do their part that the words of Carlyle's prophecy will become a grim and terrible reality.

Let us stand firmly together not as members of separate parties but as American citizens, devoted to those principles which have been cherished from the conception of our Republic, and we shall bequeath to our children and our children's children the greatest Government and the grandest Republic that the world has ever known.

Mr. SMITH of Arizona. I ask the Secretary to report the first amendment.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smith, Ariz.
Bankhead	James	New	Smith, Md.
Beckham	Johnson, Cal.	Norris	Smith, S. C.
Calder	Johnson, S. Dak.	Overman	Smoot
Chamberlain	Jones, Wash.	Owen	Sutherland
Colt	Kellogg	Pittman	Swanson
Culberson	Kenyon	Polindexter	Thomas
Cummins	King	Pomerene	Tillman
Fernald	Kirby	Ransdell	Trammell
Fletcher	Knox	Robinson	Underwood
France	La Follette	Saulsbury	Watson
Gerry	McCumber	Shafroth	Williams
Hale	McKellar	Sheppard	Wolcott
Harding	McNary	Sherman	
Hardwick	Martin	Shields	

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. Goff], is absent on account of illness.

Mr. JOHNSON of South Dakota. I desire to state that the Senator from New Mexico [Mr. Jones] has been called from the Chamber on important business.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present. The Secretary will report the first amendment submitted by the Senator from Arizona.

The SECRETARY. On page 1, after the first word, "That," strike out the words "the Federal Trade Commission is hereby authorized and empowered," and in lieu insert "whenever, during the continuance of the war and for six months thereafter, the President shall deem it needful, he may direct the Federal Trade Commission."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. NORRIS. I should like to inquire of the Senator in charge of the joint resolution what is the necessity of this amendment? Is not the joint resolution complete without it? Why is it that we are designating the President as the person who shall say?

Mr. SMITH of Arizona. The Senator from Nebraska will readily admit that all legislation is a compromise. The joint resolution without this amendment would read:

That the Federal Trade Commission is hereby authorized and empowered to supervise, control, and regulate the production and the distribution of print paper—

And so forth.

Instead of that, I have offered the amendment, so that it would read:

That whenever during the continuance of the war—

I do not care if the language "and for six months thereafter" be rejected.

Mr. NORRIS. That is not my only objection to the amendment, I will say to the Senator. Not only that amendment, but further down, in lines 9 and 10, there is an amendment which reads, "as the President shall designate," following out, of course, the same idea, turning it all over to the President. If these amendments were all agreed to, it would be within the power of the President, I take it, to designate any particular mills and producing agencies which shall be operated on Government account, and so forth, and how the product shall be distributed; he might designate that Mr. A, in one town, might get his paper, and that Mr. B should not.

Mr. SMITH of Arizona. The Senator from Nebraska very well knows that the President of the United States, with his multifarious and onerous duties, could not go and look into this business, and this is a safeguard.

Mr. NORRIS. That is a good reason why this amendment should not be adopted. The President must follow somebody else's advice, and it will probably be that of the Federal Trade Commission.

Mr. SMITH of Arizona. He might not follow their advice.

Mr. NORRIS. The President will not be able to give the matter his attention personally. As the Senator from Arizona has said, he has so many duties to perform that he could not possibly give attention to all of them, and this would probably be one to which he could not give attention. To my mind, that is the objection to the amendment.

Mr. SMITH of Arizona. Would the Senator from Nebraska prefer the language of the original joint resolution? If a majority of the Senate prefer that, I am perfectly willing to ask that it be adopted.

Mr. NORRIS. So far as I am concerned, I am going to vote against this amendment and against several others, entirely on the ground that I prefer the joint resolution as it was originally introduced by the Senator from Arizona. I have never, during the debate when I have been present, heard any argument made in reference to these particular amendments. That is the reason why I was asking the question. It seems to me this amendment weakens the joint resolution.

Mr. SMITH of Arizona. Unquestionably, from the standpoint of the Senator from Nebraska, it weakens the joint resolution. To be perfectly frank I have made concessions in order to get some sort of relief for these papers. I have been forced to make these concessions. These concessions, everybody here consents, liberalizes the joint resolution, putting the least possible control over the business, and yet the question is whether or not Senators will vote for the resolution even then.

Mr. NORRIS. It may be that the Senator from Arizona is catering to Senators who will vote against the joint resolution any way and making it distasteful to those who would like to support it. To my mind this amendment is not liberalizing the joint resolution, but making it more stringent than it previously was.

Mr. SMITH of Arizona. Let us see what the language is and leave the matter to the Senate. It reads, as originally reported:

The Federal Trade Commission is hereby authorized and empowered to supervise, control, and regulate the production and distribution of print paper and mechanical and chemical pulp in the United States, and that all mills producing and all agencies distributing print paper and mechanical and chemical pulp in the United States shall—

Mr. NORRIS. "Shall be operated."

Mr. SMITH of Arizona. Wait.

Mr. NORRIS. The Senator is speaking in my time.

Mr. SMITH of Arizona. I beg pardon of the Senator. The Senator had resumed his seat. I thought I was answering him in my own time. The language is "mechanical and chemical pulp," and so forth. Now, let us see. That language gave the Federal Trade Commission absolute authority to supervise, control, and regulate the production and distribution of print paper. I have provided in the amendment:

That whenever during the continuance of the war * * * the President shall deem it needful he may direct the Federal Trade Commission to supervise and regulate the production and distribution of print paper and mechanical and chemical pulp.

The reason we inserted that language was that, instead of conferring all this power on the Trade Commission, if the Trade Commission should say, "We do not want to do all this; there are many papers that are not offensive," they then can present to the President only the offensive ones; and the President could then make the order. So, you see, it is only permitting the Federal Trade Commission to act through the agency of an appeal to the President, who will necessarily do what they say. It gives him an opportunity of escape from supervision where none at all is necessary. That is the reason for

the amendment, and that is my purpose. I should like a vote on the amendment.

Mr. HARDWICK. Mr. President, I am opposed to this amendment; and I think I can state to the Senate in a very few words why I am opposed to it.

If this legislation is necessary at all, then Congress ought to enact it on its own responsibility and by the exercise of its own power. We have no business to shift to the President a responsibility that belongs to us. Instead of enacting a law which its proponents must claim is necessary, or at least advisable, if the amendment of the Senator from Arizona [Mr. SMITH] is adopted, the Congress will simply say, "We enact this law if the President thinks best to put it into effect in whole or in part, and we put the responsibility on him."

Mr. SMITH of Arizona. That is equally true against the Federal Trade Commission, is it not?

Mr. HARDWICK. It may be; but I am opposed to all that sort of business. Let this Congress shoulder its own responsibility.

Mr. SMITH of Arizona. But Congress could not investigate the matter.

Mr. HARDWICK. Then we ought not to pass such legislation if we can not investigate. If we do not know it is needed, if we can not affirmatively sustain the burden that the legislation is necessary and advisable, then there ought to be no legislation.

Mr. SMITH of Arizona. Certainly not.

Mr. HARDWICK. On the other hand, if we are convinced that the burden can be carried, that there ought to be such legislation, then we ought not to shift the burden of responsibility which rests on us and say, "We will have legislation only in the event the President thinks it is needed." I am not in favor of this sort of an amendment, and I hope the Senate will vote the amendment down.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question] The "ayes" seem to have it.

Mr. HARDWICK and Mr. HARDING called for a division; and the question being put on a division, the amendment was rejected.

The PRESIDING OFFICER. The Secretary will state the next committee amendment.

The next committee amendment was, on page 2, line 2, after the words "mechanical and chemical pulp," to insert the words "and their products."

Mr. SMITH of Arizona. Mr. President, as the first amendment has been stricken out, I am reduced to going back to the original joint resolution, and I should prefer to withdraw every amendment I have offered to it in the present attitude of the Senate, for there is no use of attempting to perfect the joint resolution with its present amendments, if the first amendment endeavoring to cure the very language against which every complaint has been made was voted down, unless it be the desire of those who voted in that way to defeat the joint resolution entirely.

My object was to prevent the very thing against which all Senators have been inveighing, and if the amendment I have offered for that purpose be stricken out, the remainder of the joint resolution should be so framed as to correspond with it.

Mr. NORRIS. Does the Senator from Arizona refer to the amendment now pending?

Mr. SMITH of Arizona. That was the only amendment pending.

Mr. HARDWICK. Will the Senator from Arizona yield to me?

Mr. NORRIS. Does the Senator from Arizona have reference to the words in line 6, page 2—"and their products"?

Mr. SMITH of Arizona. The difficulty under which I am laboring is that I have a copy of the joint resolution which I myself have been marking and have not the one which the Senator from Nebraska has in his hand. Does the Senator refer to the words "and their products" on page 2, line 6?

Mr. NORRIS. As I understand, to insert those words is the pending amendment. I may be mistaken, but in the copy which I have in my hand that is the next amendment.

Mr. FLETCHER. Mr. President, I ask that the Secretary state the pending amendment.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. On page 2 of the joint resolution as originally printed, in line 2, after the words "mechanical and chemical pulp," the committee proposes to insert the words "and their products."

Mr. FLETCHER. That amendment ought to go in, of course. That has nothing to do with the other amendment.

Mr. NORRIS. It seems to me this amendment, Mr. President, if the Senator will permit an interruption, has nothing to do with the one which has just been voted down. Personally I see no reason why this amendment should not be adopted, although I voted against the other amendment.

Mr. SMITH of Arizona. I have no objection to its adoption after the amendment that I offered has been defeated, my purpose being to limit the joint resolution in its scope, so as not to interfere with that magnificent business of which I have heard so much, which formed a combination to rob somebody. When that is gone further amendment is of no use. I do not care whether the words "and their products" remain in or not. That is the attitude in which we are left.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment will be stated.

The SECRETARY. On page 2, line 2, before the word "mills," it is proposed to strike out the word "all" and insert in lieu the word "such."

Mr. SMITH of Arizona. I withdraw that amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn. The Chair hears no objection. The Secretary will state the next amendment.

The SECRETARY. The next committee amendment is on page 2, line 3, before the word "agencies," to strike out the word "all" and insert the word "such."

Mr. SMITH of Arizona. I will withdraw that amendment. In view of the action the Senate has now taken, it hardly carries out the purpose intended when proposed.

The PRESIDING OFFICER. If there is no objection, the amendment is withdrawn. The Chair hears no objection. The Secretary will state the next committee amendment.

The SECRETARY. On page 2, line 4, after the words "mechanical and chemical pulp," it is proposed to insert the words "and their products."

The PRESIDING OFFICER. Without objection, that amendment is not agreed to, a similar amendment having been rejected. The Secretary will state the next committee amendment.

The SECRETARY. On page 2, line 4, after the words "the United States," it is proposed to insert the words "as the President shall designate."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. NORRIS and Mr. WATSON addressed the Chair.

The PRESIDING OFFICER. The Chair will put the question on agreeing to the amendment.

Mr. SMITH of Arizona. I withdraw that amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn. The Chair hears no objection. The Secretary will state the next amendment of the committee.

The SECRETARY. On page 2, line 18, after the word "paper," it is proposed to insert the words "pulp and pulp products."

Mr. SMOOT. That ought to go out.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The SECRETARY. On page 3, beginning in line 4, it is proposed to strike out all of section 3 and in lieu thereof to insert:

That the President, during the present war emergency, shall have power by proclamation to declare that such imports of mechanical and chemical pulp and their products as he shall deem necessary in order to fully effectuate the objects of this act, shall be made only on account of the United States of America, to or through the Federal Trade Commission.

Mr. JONES of Washington. Mr. President—

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, I should like to offer an amendment to that amendment.

The PRESIDING OFFICER. The Senator from Arizona offers an amendment to the amendment, which the Secretary will state.

Mr. SMITH of Arizona. In the reprint of the bill, after the words "in order to fully effectuate the object of this act," I move to insert the words "shall be sold and distributed under the supervision of the Federal Trade Commission as provided for in section 1 of this act."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. JONES of Washington. I desire to ask the Senator from Arizona a question about this provision which I think would apply to the original part stricken out as well as to the amendment. Would this provision affect existing contracts that are

now in force with reference to the purchase of print paper; for instance, by a newspaper in this country from a paper producer in Canada?

Mr. SMITH of Arizona. I do not think Congress could enact legislation affecting an existing legal contract.

Mr. JONES of Washington. It seems to me the language is broad enough to do so. If we give the President the power to do it, it seems to me he can do it; and if the Senator does not want it to have that effect, I should like to see an amendment something like this put in: I will merely suggest it to see whether the Senator would oppose it. At the conclusion say "except that existing contracts shall not be interfered with."

Mr. SMITH of Arizona. I have no objection to preserving any existing contracts, and I would be glad to accept the amendment. I confess that I am put somewhat at sea because of the changes in the joint resolution from what I had hoped might be made. I had hoped that we might be able to preserve some sort of unity, and I have been working on the theory that the Senate would prefer a measure with less rather than one with more restrictions. I now find, however, that the amendment to section 3 inserting the words "as provided for in section 1 of this act," section 1 of the act not having been amended in any way, does not seem to apply.

Mr. FLETCHER. Mr. President, if the Senator will allow me, it seems to me that the amendment he offers now is entirely in harmony with the situation in which section 1 is left.

Mr. SMITH of Arizona. As it now stands?

Mr. FLETCHER. As it now stands. The amendment, as I gather, is to strike out in line 22 of the reprint, after the word "be," the words "made only on account of the United States of America to or through the Federal Trade Commission" and insert "sold and distributed under the supervision and regulation of the Federal Trade Commission." In other words, it is proposed to leave the whole matter with the Federal Trade Commission, as the joint resolution now stands, in view of the rejection of the amendment to section 1. This provision continues the power in the Federal Trade Commission, and, instead of the words "made only on account of the United States," it is proposed, I understand, that the product shall be sold and distributed under the regulations of the Federal Trade Commission, which harmonizes with the way in which section 1 now is, and it seems to me very much improves the joint resolution.

Mr. SMITH of Arizona. On account of the difference of the two prints of the bill and the difficulty of following the amendments as stated, I am somewhat confused; but the Senator's explanation is perfectly clear and section 3 should be amended as indicated in the reprint and by the addition of the words which I have read; that is, commencing in line 11 strike out all down to and including the word "act" in line 17, and then insert the new matter beginning after the word "act," in line 17, perfecting it as I have indicated, so that it will read:

That the President, during the present war emergency, shall have power by proclamation to declare that such imports of mechanical and chemical pulp and their products as he shall deem necessary in order to fully effectuate the objects of this act, shall be sold and distributed under the supervision and regulation of the Federal Trade Commission as provided for in section 1 of this act.

That makes it conform thoroughly to the other provisions of the joint resolution. I ask for a vote on the amendment.

Mr. HARDING. Mr. President, I am unable to see any essential difference—

Mr. SMITH of Arizona. Mr. President, will the Senator not allow us to perfect this amendment?

Mr. HARDING. I do not object to perfecting the amendment, but I do want to say something about the section itself. I have not any particular choice myself between the words proposed to be eliminated and the substitute proposed by the chairman of the committee. I think any Senator can understand that the fundamental cure for high prices of print paper is increased production. While I think this Government is a very powerful one, I am unable to understand how it can control the production of a neighboring people. I have in mind this sort of a problem: Owing to the growing scarcity of news-print paper in this country and the vital necessity of a supply to a great newspaper, many of them who are able to command the financial means necessary to do so have established their own paper mills. I do not know how far-reaching this joint resolution is intended to be, but it seems to me it would be a very great violation of individual rights for the Government to step in and take from an individual owner, himself producing a supply of paper, and distribute it at the whim of the Federal Trade Commission. It would certainly be very unjust to place in the hands of any authority in this country the power to prohibit the imports of either spruce wood or sulphite pulp. It looks to me as though we were

getting deeper and deeper all the time in our efforts to perfect this joint resolution.

What the newspapers of this country need more than anything else, aside from the voluntary arrangement for a fair price for print paper, which has been in effect since the 1st of January, are the things essential to increased production. Every one familiar with the paper trade knows that a very large percentage of the raw material for paper making must be imported. It comes from Canada, and we are proposing here to hamper and hinder production by putting an embargo, at the instance of the President, on the importation of pulp and wood and sulphite from Canada. Everything that we are proposing to do is calculated to hinder the production of the essential supplies to relieve the news-print situation in these United States.

I think the whole joint resolution ought to fail. Instead of doing something to help the newspapers of this country, we are doing something to add to the tax already imposed upon the newspaper publishers of the land. I am very well aware that many newspapers are telegraphing here in favor of the passage of this joint resolution, but I am just as well aware that they have not stopped to realize the far-reaching results which may attend the act of the United States Government going into the manufacture and control of paper. If we only judge by our experience in dealing with coal, which I took occasion the other day to admit seemed to be a necessity, we would be warned that, instead of helping a difficult situation, we are going to embarrass it for every publisher in this country. The joint resolution ought to fail, and this amendment and the section for which it is proposed as a substitute ought not to have the sanction of this body.

Mr. KNOX. Mr. President, I had not intended to address the Senate upon this joint resolution, although I am opposed to it, and would not have done so but for the remarks made this morning by the Senator from Utah [Mr. KING]. When I say "the remarks made by the Senator from Utah" I do not refer to his observations upon the position I have taken upon the constitutionality of the program of war legislation we have passed. I was impelled and intended to rise to say to him that in expressing the hope that some one would correctly appraise the present situation of this country, and particularly in the Democratic Party, that I doubt if any man, however distinguished or however broad his statesmanship, could have made a more powerful appeal for a recrudescence of the principles upon which this Government is founded than has the Senator from Utah. I think, however, Mr. President, that in justice to myself I ought to take some cognizance of his observation as to the position that I have taken upon the constitutionality of the program of legislation to which I have referred.

It is my own misfortune, and due to my own limitations, if I failed to make it perfectly clear that I was not one of those who for one instant imagined that any part of the Constitution of the United States was suspended during a period of war. Why, Mr. President, upon the contrary, there is never a period of time when the Constitution of the United States is so vital and so much in action as during war, because then all of its powers are called into play. We might just as well say that the Constitution of the United States is suspended or dead because of war, as to say that a man who rises in defense of his family against an intruder has had his normal functions suspended, as upon the contrary, his latent powers and natural passions are aroused when he flies to the defense of that which he holds most dear.

The Constitution of the United States specifically empowers the Congress of the United States to declare war. It not only empowers the Congress of the United States to declare war but it prohibits such power to the States, and, in addition to that, the Constitution in terms empowers the Congress to enact all laws necessary to carry that power—the power of war—into effect; so that, Mr. President, my position has all along been that there is nothing in the Constitution that in any way limits or interferes with the power of self-preservation. There is no principle in the Constitution so sacred that this Government must perish in order to preserve it; upon the contrary, when we are at war Congress can pass any law necessary to carry the war to a victorious conclusion.

Mr. President, the question of necessity is the question that Congress must consider. This question of necessity imposes upon us an obligation from which we can not escape. It is for the administration, it is for the Commander-in-Chief of the Army and the Navy, it is for the Chief Executive of the United States to propose to us the powers that he desires in order to prosecute the war; but it is for us to judge of the necessity of those powers. Upon us rests the duty, upon us rests the responsibility, upon us rests the obligation; so that the acid test

for every bill that is laid before this body, so far as we are concerned, is: Satisfy us as to the necessity.

Mr. President, when a measure was rejected in the Senate last spring proposing to create a censorship of the American press I opposed the measure, not upon the ground that there were no circumstances under which the Congress of the United States might constitutionally pass a censorship bill, but upon the ground that no necessity had been shown at that time to lay the powerful control of censorship upon the American press. For myself I realized that while we had vested unparalleled powers in the Chief Executive, while we had appropriated unthought-of sums of money for the expenditures of this war, if there ever was a time when we ought to weigh and weigh conscientiously and weigh deliberately the question of necessity of proposed legislation it was under such circumstances. I believe if ever there was a time when the press of America should be free, when the press should be in a position where it could speak without coercion, it was when these vast powers were being exercised and these stupendous sums of money were being expended.

Mr. President, it is not enough, it is never enough, that some one in executive authority desires a measure to be passed. It is never enough that the argument shall be closed when we are told that the administration desires the enactment of a bill unless we propose to play the ignoble part of which the poet spoke in referring to the Roman Senate:

A Cæsar with a Senate at his heels.

Mr. President, to me this measure is incomprehensible. It is unscientific in construction, and if its purpose is to be judged by its possibilities it is vicious in purpose. The one great reason recited in the preamble of the resolution, the one reason that is tangible, is that proper news shall be generally and efficiently distributed. It is true that the preamble recites the necessity of supplying the Government with print paper, which in itself is in principle a trifling necessity; but for the purpose that is most specifically avowed is that the proper news shall be efficiently disseminated.

Mr. President, I ask now, as I asked last spring, what necessity is there for us to exercise this unprecedented power over the newspapers of the country upon the theory that improper news is now being distributed? If any institution in this country has shown greater loyalty, greater consideration, and more self-sacrifice than the press of America in dealing with war news, I know not what it is; and it is rather significant that as the newspapers themselves begin more thoroughly to understand the vicious principle within this bill the more they are disposed to ask us to withhold such an extraordinary grant of power.

As I have stated at another time, I received this morning from the Philadelphia newspapers the following telegram, illustrating the awakened attitude toward this measure:

The Philadelphia newspaper publishers are unanimously opposed to governmental control of the newspaper industry.

This is signed by the Philadelphia Bulletin, the Philadelphia North American, the Philadelphia Public Ledger, the Philadelphia Press, the Philadelphia Record, the Philadelphia Inquirer, the Philadelphia Evening Ledger, and the Philadelphia Telegraph. These papers, as Senators know, represent every shade and phase of political thought in the State of Pennsylvania and in the United States—Republicans, Democrats, and Progressives alike.

The VICE PRESIDENT. The time of the Senator from Pennsylvania has expired.

Mr. SMITH of Arizona. Mr. President, I ask unanimous consent that the amendment be modified as read by me, in which case I have no objection to the insertion of the Senator's amendment with regard to not affecting the validity of any present existing contract. Of course, we have no desire to do that, and I have no objection to that amendment. My words are only to make it consonant with the balance of the bill. Then let the vote come on the amendment as amended by the words I have stated.

I ask the Secretary to report the amendment, and I ask unanimous consent that that modification be made in it.

Mr. HARDWICK. Mr. President, a parliamentary inquiry. The Senator has a right, has he not, to modify his proposition in any way he wants to? He can modify it himself.

Mr. SMITH of Arizona. I know, but I want these words inserted in the amendment as read by the Secretary. The amendment is in italics in the reprint of the bill, and to those words I have asked to add that it shall be sold and distributed under the supervision and regulation provided in section 1 of the bill. I modify my amendment to that extent.

Mr. JONES of Washington. I was going to suggest that the Senator make that provision also a part of his modification.

Mr. SMITH of Arizona. I have no objection to that coming in as a modification to my amendment, that it shall not affect any existing contract, if the Secretary will read it.

The SECRETARY. The Senator from Arizona proposes to amend the committee amendment as follows:

In the part proposed to be inserted, section 3, strike out the words "made only on account of the United States of America to or through the Federal Trade Commission," and in lieu thereof insert—

Mr. SMITH of Arizona. Strike out down to "to or through"; leave in "the Federal Trade Commission."

The SECRETARY. Strike out the words "made only on account of the United States of America to or through the Federal Trade Commission," and insert—

Mr. SMITH of Arizona. No; leave in "the Federal Trade Commission."

The VICE PRESIDENT. The Secretary will state the amendment as he understands it.

The SECRETARY. And insert the following words:

sold and distributed under the supervision and regulation of the Federal Trade Commission as provided for in section 1 of this act, except that existing contracts shall not be interfered with.

The VICE PRESIDENT. Is that right now?

Mr. SMITH of Arizona. Yes.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment as amended. [Putting the question.] By the sound the "noes" seem to have it.

Mr. SMITH of Arizona. I call for a division.

The VICE PRESIDENT. All in favor of the amendment as amended will rise. [A pause.] Those opposed will rise. [A pause.] The impression of the Chair was right. The amendment is rejected. The joint resolution is in the Committee of the Whole—

Mr. SMITH of Arizona. I have not heard the decision of the Chair.

The VICE PRESIDENT. The amendment was rejected.

Mr. SMITH of Arizona. On that I wanted the yeas and nays. I demand the yeas and nays. I did not hear the announcement of the Chair. I was waiting and listening to hear the announcement of the result.

The VICE PRESIDENT. The Senator from Arizona called for a division of the Senate.

Mr. SMITH of Arizona. Yes, sir.

The VICE PRESIDENT. And he got it.

Mr. SMITH of Arizona. Yes, sir.

The VICE PRESIDENT. And it was against the Senator's amendment.

Mr. SMITH of Arizona. Yes.

The VICE PRESIDENT. The Chair has ruled. The amendment is rejected. The Senator can offer the amendment again in the Senate.

Mr. SMITH of Arizona. I give notice that I shall call for the yeas and nays on the amendment in the Senate.

The VICE PRESIDENT. The Senator can do that in the Senate, but not now.

Mr. JONES of Washington. Mr. President, is the text of the bill now subject to amendment?

The VICE PRESIDENT. It is.

Mr. JONES of Washington. I desire to perfect it by adding, after the word "act," in line 17, the proviso which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, section 3, after the word "act," on line 10, it is proposed to insert the following:

Provided, That this act shall not affect any valid contracts existing and in force at the time of its approval.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was rejected.

Mr. JONES of Washington. I reserve the right to offer that amendment in the Senate.

Mr. SMITH of Arizona. Mr. President, if I can get the attention of the Senate for a minute, I think I understand the purpose of the opposition here. If you do not like a thing, no matter how good it happens to be or how nearly good it may be, so that some sort of amendment might help it, the best way to beat it is to make it as obnoxious as possible; and I see Senators here actually vote for an amendment to violate a contract. Then, I suppose, they will refuse to vote for the joint resolution. In this connection I do not know exactly where we are all standing, but I will leave that for some subsequent remarks that I will submit.

I move to amend the joint resolution on line 4, page 1, of the original print, where it reads:

That the Federal Trade Commission is hereby authorized and empowered to supervise, control, and regulate the production—

I move to strike out the word "control."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 4, it is proposed to strike out the word "control" and the comma.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arizona.

Mr. WADSWORTH. Mr. President, may I ask the Senator what is the significance of the amendment?

Mr. SMITH of Arizona. If it makes no difference, it does not hurt to have it go out.

Mr. WADSWORTH. That is scarcely an explanation.

Mr. SMITH of Arizona. If it makes a difference, it might hurt to keep it in. If it makes the bill still more unpopular to keep it in, I can understand the opposition.

Mr. WADSWORTH. Mr. President, the purpose of my inquiry is to have the Senator from Arizona tell the Senate what his amendment will do in the actual operation of this law.

Mr. SMITH of Arizona. The Trade Commission is authorized and empowered to supervise and regulate. Will the Senator himself tell me why he has any objection to leaving out the word "control" if he can not see any distinction?

Mr. WADSWORTH. The Senator from New York is not the sponsor of this bill.

Mr. SMITH of Arizona. No. If he were, it would be differently written.

Mr. WADSWORTH. The sponsor of the bill rises upon the floor of the Senate and moves to strike out one of these words.

Mr. SMITH of Arizona. Yes.

Mr. WADSWORTH. And I have asked the Senator why he does so.

Mr. SMITH of Arizona. I do so because I do not want them to control. Is that sufficient?

Mr. WADSWORTH. Does the Senator think that they will not control if we take out the word "control"?

Mr. SMITH of Arizona. I do not want the word "control" in, because the word "control" gives them the power to control without any question as to how it may be subsequently decided.

Mr. WADSWORTH. What does the word "regulate" imply?

Mr. SMITH of Arizona. That is another matter. The word "regulate" is in there, and I want the word "regulate," because we all know what it means.

Mr. WADSWORTH. There is one Senator who does not know and never has known what "regulation" meant.

Mr. SMITH of Arizona. That may be true.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. SMITH of Arizona. I call for the yeas and nays.

The VICE PRESIDENT. The amendment was agreed to.

Mr. SMITH of Arizona. Mr. President, that shows the difficulties under which a man labors who is almost down now with pneumonia, who can hardly hear a word spoken in this body. The decision on the former amendment was held against me. I did not hear a word of it. It was impossible for me to hear it. The eustachian tube is absolutely closed, and it has been observed that I have to walk over to-day to listen to anything that is said. So, if the amendment is agreed to, I am obliged to the tender consideration of the Senate and certainly will make no motion about it when we get into the Senate itself.

In conformity with that, in the case of the second amendment, on page 2, I desire to strike out after the words "chemical pulp in the United States shall," on line 4, the words "be operated on Government account; that these products be pooled in the hands of the Federal Trade Commission for the term of the war and the emergency occasioned thereby and equitably distributed."

I ask to strike out those words and insert "equitably distribute such products at a price based upon cost of production," and so forth. In other words, I am letting these products be equitably distributed without this scheme or pooling.

I ask that that amendment be adopted.

The VICE PRESIDENT. The Chair will ask the Senator from Arizona to see if the Secretary has it right.

The SECRETARY. On page 2, beginning on line 4, after the word "shall," it is proposed to strike out all down to and including the words "equitably distributed," on line 8, and to insert "equitably distribute such products," so that it will read:

And that all mills producing and all agencies distributing print paper and mechanical and chemical pulp in the United States shall equitably distribute such products at a price based upon cost of production and distribution plus a fair profit per ton, as determined by the Federal Trade Commission.

The VICE PRESIDENT. Did the Secretary have it right?

Mr. SMITH of Arizona. I understand the Secretary to have it right.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Arizona. Mr. President, some amendments were proposed by the Senator from New Hampshire [Mr. GALLINGER], who is not here, to which I have no objection as far as I am personally concerned. In the case of the amount to be retained by the Government, instead of being 25 per cent, it was proposed to make it 10 per cent.

Mr. SMOOT. Mr. President in the reprint of the bill it is on page 2, line 19.

The VICE PRESIDENT. The amendments will be stated.

The SECRETARY. On page 2, line 13, strike out "75" and insert "90."

The amendment was agreed to.

The SECRETARY. And before the words "per cent," on line 17 of the same page, strike out "75" and insert "90."

The amendment was agreed to.

The SECRETARY. And in the provision as to a fine, on page 3, line 24, it is proposed to strike out "\$50,000" and insert in lieu thereof "\$20,000."

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, in the interest of the conservation of print paper and of our eyesight, I propose an additional section which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, a new section, as follows:

SEC. 5. That from and after 30 days from the approval of this act no newspaper shall be issued containing more than 16 pages such as were ordinarily printed by such paper.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. SMITH of Arizona. I call for a division.

On a division, the amendment was agreed to.

Mr. SMITH of Arizona. Mr. President, I shall ask for a separate vote on that amendment in the Senate, and shall call for the yeas and nays upon it.

Mr. SMOOT. Mr. President, I move that the bill be recommitted to the Committee on Printing.

Mr. HARDING. Mr. President—

Mr. SMITH of Arizona. Mr. President, is that debatable?

Mr. HARDING. A point of order, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. HARDING. Under the unanimous-consent agreement, can anything be done with the pending measure except to bring it to a final vote?

Mr. SMOOT. Mr. President, as I remember, the present occupant of the Chair ruled that to recommit a bill to a committee under unanimous-consent agreement was a final disposition of the bill as far as the Senate was concerned. That is what the unanimous-consent agreement provides for—the final disposition.

The VICE PRESIDENT. Can the Senator refer the Chair to that ruling?

Mr. FLETCHER. The present occupant of the Chair held just the contrary.

The VICE PRESIDENT. I thought I ruled the other way.

Mr. SMOOT. Mr. President, I have not the ruling before me. I know I always was of the opinion, and am now, that under a unanimous-consent agreement providing for final disposition a bill could not be recommitted to a committee; but, as I remember, a ruling was made contrary to what I had formerly thought was the practice of this body. I may be mistaken, however, but I think we had better have a ruling on the question to-day.

The VICE PRESIDENT. The Chair may be mistaken about it; that would be quite natural; but the present recollection of the Chair is that he ruled that it could not be recommitted to the committee; that that was not a final disposition at all, but the measure would simply go back to the committee and again be reported to the Senate, and that such a course was a violation of the unanimous-consent agreement. That is the Chair's recollection of the ruling he made, although he may be mistaken, and it might be well to take a moment to look into it.

Mr. SMOOT. Mr. President, I am not particular whether we vote upon the resolution directly or whether we vote upon a recommitment of it. As far as my personal opinion is concerned, I think the proper thing to do is to vote directly upon the joint resolution and not to have a vote on a motion to recommit it, although I had understood the ruling of the Chair to be otherwise.

Mr. THOMAS. Mr. President, will the Senator yield to me?
Mr. SMOOT. Certainly.

Mr. THOMAS. I think the Senator has momentarily overlooked the fact that just prior to our adjournment on Friday the Senator having charge of the bill asked the floor leader, who had moved to adjourn until Monday, whether such action would interfere with a final vote upon the joint resolution, whether it would be sidetracked; and he was assured to the contrary not only by the Senator from Virginia [Mr. MARTIN] but also by the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. Oh, Mr. President, the Senator from Colorado is wrong in that. The Senator then had reference to taking up another bill and displacing his resolution as the unfinished business.

Mr. TOWNSEND. Mr. President, if the Chair will look on page 264 of the Precedents, he will find the ruling to which reference has been made.

Mr. THOMAS. I think I am correct about that, Mr. President.

Mr. SMOOT. Oh, no. What I stated to the Senator from Arizona was that I would vote against taking up any other bill to displace the unfinished business.

Mr. ASHURST. Mr. President, from the very language of the unanimous-consent agreement the Senate is precluded from recommitting this resolution. I am opposed to recommitting this resolution, and unless you break the unanimous-consent agreement a motion to recommit can not be entertained, because it provides that the resolution shall proceed "through the regular parliamentary stages to its 'final disposition,'" and every one of us who indulges in the luxury of reflection knows that to "recommit" a bill is not proceeding to its final disposition. It means that there will or may be more proceedings taken later thereon. Should such a motion prevail it would not be a "final disposition"; to recommit would mean that the Senate through one of its committees would still retain jurisdiction over the resolution, and such could not be a "final disposition."

The VICE PRESIDENT. The Chair finds, through the courtesy of the Senator from Michigan [Mr. TOWNSEND], that substantially the same question was ruled upon by the Chair on the 17th of October, 1914, where, under a unanimous-consent agreement, I ruled that a motion to lay the bill on the table was not in order, not being a final determination; that although it usually and ordinarily constituted a disposition of the measure, still it might be again taken from the table. The Chair sustains the point of order of the Senator from Ohio [Mr. HARDING] and rules that the joint resolution can not be recommitted to the committee. The joint resolution is in Committee of the Whole and open to amendment.

Mr. HITCHCOCK. Mr. President, I want to say a few words on this joint resolution before it comes to a vote and before it goes into the Senate.

A year ago, or possibly even six months ago, probably much might have been said in favor of some measure to bring relief to the newspaper world. That time has passed. To a large extent, if not to a full extent, a remedy has been found. The combination that then existed among certain manufacturers representing about 75 per cent of the news-print manufacture of the country has been broken, and to a considerable extent the processes of competition have resumed their operation. Under an agreement to which the Attorney General of the United States was a party, those manufacturers representing a commanding position in the world of news-print manufacturers, the Federal Trade Commission is now engaged in fixing a price for news print in the United States, not only the price of rolled print for the large papers but of sheet paper for the small papers as well. Under this process the price of paper has already been materially reduced. Newspapers have found that they were not compelled to deal with the mills they were formerly tied to by the secret conspiracy which had been formed. The result is that a reduction of 10 per cent and later a reduction of a larger per cent in the price of paper to all classes of consumers has taken place.

So I say the occasion for this legislation has passed. At all times it has seemed to me to be questionable legislation. I have a strong faith in the Federal Trade Commission. I believe in the measure which created it, and I believe that the Federal Trade Commission is performing a useful function. It gathered information which was finally used to break up this combination. It has been the watchman which has succeeded in protecting the newspapers of the country as the result of a long struggle.

The Federal Trade Commission is now engaged under an amicable arrangement in fixing prices and in adjusting distribution. I think it would be a mistake, Mr. President, at this juncture to attempt by legislation to modify that situation.

Mr. STONE. Mr. President—

Mr. HITCHCOCK. I can not yield for a question because I have only a few minutes.

Mr. STONE. It was a pertinent question.

Mr. HITCHCOCK. But there is an additional reason why I think it would be a mistake to put the Federal Trade Commission, which now performs a useful function, into the position provided by the bill. It would practically throw responsibility upon it which might break its back. If we put upon the Federal Trade Commission the work of actual distribution and manufacture of paper, as the bill was originally intended, it would go far beyond its legitimate function and raise very serious doubt as to any successful result.

But, Mr. President, there is another thing the Senator from Ohio [Mr. HARDING] and others have said, that the real question in the print-paper world is one of production. There has been a real scarcity of print paper. There has not been enough print paper manufactured. It is easy to see what will be the result of putting the print-paper manufacture of the country in the hands of a Government agency. It will discourage enterprise; it will restrain investment. No one with money will go into the investment of print paper in paper mills while those mills are largely under the control of an agency of the Government. So I fear that this legislation would tend to restrict production and would really tend to embarrass the trade. It would do more. It would serve to throw the trade into a confusion which is entirely unnecessary.

I have a good deal of respect for Government agencies. We all know that most of the Government agencies which have undertaken in this emergency the conduct of business have met with very serious embarrassment and have not made a very creditable record.

So, Mr. President, I believe that this is not the time to pass this resolution. It may be said that in the form in which the bill now stands no one can tell exactly what it means. As reported by the committee it meant but one thing, but as the result of a series of amendments which have been injected into the bill it forms now a chapter in legislation which, I think, no one here can exactly understand, and I believe that it will not be a benefit to the newspaper world at this juncture to pass this legislation. I believe it is far better to allow the present amicable process to continue, under which, as the result of an agreement, the Federal Trade Commission is operating to fix prices and under which the manufacturers have been prohibited from forming the combinations which they have heretofore had in existence.

I believe that what has been done will be successful. The relief has already begun and the reduction in the price of print paper has already been considerable, not only as to large users of print paper but the small users as well.

Mr. SMITH of Arizona. Mr. President, I wish to say a word or two in response to the suggestions of the Senator from Nebraska [Mr. HITCHCOCK]. Absolutely intolerable conditions are found to exist in the print paper and pulp business in this country. The Senate passed a resolution requesting the Trade Commission—or ordering it, if you please—to make a thorough investigation of this business in the United States and report its findings to the Senate. The Senate adopted that resolution, I understand, without any division. The report came to the Senate with an aggregation of facts that, without the use of intemperate language—that never does any good and is never used by men except, probably, in their excitement—I may say disclosed an intolerable trust, the most heartless, the most shameless, and to which a virtual admission was made by every man in it who was then before the court.

Before the Trade Commission made the investigation these people were selling print paper at 2½ to 3, 5, 8, 9, and 10 cents a pound. Some of them were making 1 cent a pound. The Senator from Ohio [Mr. HARDING] admitted the other day, in spite of what the Senator from Utah had said in response to that sort of a statement made by me, that as soon as the report came out with the facts the gentlemen composing the trust made an agreement with the Trade Commission that they would sell the paper at 2½ cents a pound f. o. b. at the mill. As soon as the Attorney General brought a suit to set aside this unconscionable combination the profiteers immediately began to violate that contract and to sell paper at 3 cents, a menace to the whole industry of this country. It was unconscionable. The newspapers were entitled to the protection of anybody anywhere, and especially of the Senate of the United States that investigated it and the courts who found that there was an unconscionable trust robbing the people, even above the 29 per cent profit, and they had already received \$17,000,000 in a year. Then we hear Senators talk about hurting the industry in this country. God help us to hurt every industry of that kind! The country newspapers,

the Ohio papers from the State to which the Senator from Ohio [Mr. HARDING] belongs, write a letter this morning. The Associated Ohio Dailies, of which the Senator from Ohio was a party, write this letter to Mr. Hosmer:

MY DEAR MR. HOSMER: I have your letter of December 6, and want to assure you that the Associated Ohio Dailies will be ready to co-operate with you in the matter of the Smith resolution now before Congress and on the Senate Calendar.

He states more that it is unnecessary for me to read, but this shows that they are for it. Is it not strange that exalted gentlemen who hold a high position, as the Senator from Pennsylvania [Mr. KNOX], should say that the great newspapers from Pennsylvania did not want this measure to pass at all? No wonder they did not; and if the whole gang that has been represented could only kill every one of the poorer papers, even if they paid 10 cents a pound for paper, they would make a profit in the end, for they would be the only ones who would have newspaper circulation at all.

That was the purpose of this resolution, and it has been shown on this floor that Senators have voted for the violation of a contract. With a provision in the measure that a contract should not be violated Senators have stood here—dignified Senators—and voted against it, because they wanted it to appear that the bill carried a violation of a contract, and they were willing if the bill should happen to pass that it should not carry that provision rather than have the paper which they happened to be fortunate enough to be interested in get print paper at prices cheaper than their neighbors.

Mr. President, this is not aimed to help or support the big papers of this country.

Mr. REED. Mr. President—

Mr. SMITH of Arizona. I have only a minute left.

Mr. REED. I simply wish to ask the chairman of the committee a question.

Mr. SMITH of Arizona. I know, but there have been hundreds of questions asked, and they have been answered. I will yield in half a second.

Mr. President, that is the reason why this resolution is before the Senate. It was based on the belief that in the general circulation of newspapers they had the same right of protection as the right of the product on which they print. It was based in that particular on the ground of a war measure for nine-tenths of the papers. That is what they were charging them, and what they will continue to charge them, and already they are working with all their attorneys, and not one of the print-paper gentlemen who was indicted and convicted, not one of them, will tell the Trade Commission what it cost to make paper. So they wanted time to tell what their plans were. It is the same old, ingenious proposition that they could say to every publisher in the United States and user of paper that there was going to be an increase in the cost.

Mr. President, the matter is now before the Senate. When it votes, I hope no Senator here will vote that a contract ought to be violated. I hope Senators are not so unfamiliar with the conditions that led up to this measure that they have lost their conscience to that extent that they would make the bill as obnoxious as possible instead of attempting in good faith to amend it and improve it, and so that it would be as harmless as possible from their standpoint.

Mr. REED. Mr. President, I rose to ask the chairman of the committee a question.

Mr. SMITH of Arizona. I beg the Senator's pardon.

Mr. REED. A question which he did not feel he could yield to at this time. While I want the most of my time, I should like to get a direct answer to this question: Is it or is it not true that arrangements have been perfected by which a price has been fixed upon print paper to hold until some date in the coming year?

Mr. SMITH of Arizona. I can tell the Senator all about it.

Mr. REED. It is that question I ask. Is that the fact?

Mr. SMITH of Arizona. Some six or eight indicted people have made a contract that they will furnish paper up to the 1st day of April at a certain price.

Mr. REED. Is it not true that those same six or eight indicted people, or formerly indicted people, have agreed that the Federal Trade Commission shall fix their price after the 1st day of April?

Mr. SMITH of Arizona. They have.

Mr. REED. Is it not true that those 8 or 10 indicted people are the producers of practically 75 per cent of all the print paper of the United States?

Mr. SMITH of Arizona. It is. They made the same contract before, if the Senator will permit me, and violated it.

Mr. REED. Mr. President, I want to state my position upon this bill as briefly as I can, if not for the enlightenment of the Senate, at least that I may put in the RECORD my own position.

When the newspapers began to suffer from the exactions of the combination to advance the price of wood pulp I was one of the first to call the attention of the Senate to that fact, and at the instance of great newspapers I introduced a resolution calling upon the Trade Commission to advise the Senate why it had not served the notice which it could serve under the Federal trade act and made the demand that it could make, which would have put these conspirators to answer before the court.

The Senate received in reply to that resolution which was passed a somewhat long and involved reply from the Federal Trade Commission. After reading it, I concluded that the Federal Trade Commission had reached the view that they had thought it best to lay the facts before the Attorney General of the United States, that certain indictments had been found and that therefore the law ought to be allowed to take its course without any interference on the part of Senators, and with the full acquiescence of the newspaper men who asked me to act, as I have stated, I proceeded no further in the matter, awaiting the outcome of those suits.

It now transpires, Mr. President, that those who were indicted in the suit pleaded guilty and effected an arrangement with the Attorney General of the United States or with the interested parties, to wit, the great newspaper publishers who had been back of these particular prosecutions in the effects to obtain redress from the Federal Government to which I have already adverted.

I take it that the Attorney General of the United States ought to have enough good sense and shrewdness not to make an idle or a foolish agreement, particularly when we find that agreement coupled with what appears to have been a very moderate sentence. Taking the situation in the light I am able to view it, it seems to me perfectly plain that the Attorney General and the court have substantially said to these great producers: "What we want at this time is results, practical results, rather than punishment. Your penalties will be mild in these courts, provided you will agree to furnish news-print paper at a reasonable price until the 1st of April, and thereafter put yourselves under the jurisdiction of the Federal Trade Commission and let it fix prices."

I am not prepared to believe that Attorney General Gregory made an arrangement of that kind and left himself and left the country in such shape that they are liable at any moment to have this contract violated. I believe the Attorney General has worked out a plan by virtue of which the Federal Trade Commission will investigate the cost and will fix prices; that the only reason the agreement did not provide for an absolute price throughout the year was because it was not deemed possible to fix such a price justly without further hearing.

Believing that, Mr. President, I come to the consideration of this joint resolution. So far as the combination is concerned, unless the Attorney General of the United States had such an agreement as I have referred to, then he was very derelict in his duty for not insisting upon a severe penalty, a penalty that would have taught these conspirators a lesson they would always remember; and the Federal court was derelict in its duty if it did not impose such penalty, save and except the mildness of the penalty is to be explained by an understanding having been reached which would benefit the American public.

With that situation, therefore, what becomes of all the argument about trusts? What becomes of all the denunciation of the monopolies that rob little newspapers? That is water over the wheel; that is a thing that is passed. It was an outrage when it existed; but the authorities have undertaken to cure it and have undertaken to cure it by putting the jurisdiction of the fixation of prices in the Federal Trade Commission, the very tribunal to which the distinguished Senator who is the author of this measure appeals.

No man will go further than will I to punish trusts and monopolies; no man on this floor has a cleaner record for voting against trusts and monopolies and for their severe punishment than I myself have; no man would have rather seen these wood-pulp, news-print paper makers in the penitentiary than would I; but the authorities of the United States have seen fit, evidently for the benefit of the business, to impose light penalties, and, in lieu of a criminal penalty, to give the newspaper people the benefit of low prices.

Mr. President, in the one minute which remains to me I can not discuss this measure, but let me call attention to the fact that there is a complete demonstration that it was an undigested measure when it came here, because the sponsor for the joint resolution has himself seen fit to amend it and offer an amendment which completely changes the very fundamentals of the joint resolution.

Mr. SMITH of Arizona. Now, will the Senator permit me to say—

Mr. REED. I can not permit the Senator to say much in my one minute, though I should like to do so.

Mr. SMITH of Arizona. I appreciate that fact.

Mr. REED. The joint resolution is brought here, giving the Federal Trade Commission the authority to take this print paper over without a single word as to how it shall be distributed or who shall be entitled to it. A point like that overlooked in a measure is proof positive that the measure was not inspected, is proof positive that it was not understood, and is proof positive that it ought to go back for proper consideration.

Perhaps some legislation is necessary along this line, but certainly it is not this legislation. As the joint resolution is now amended we find the absurd provision in it that no newspaper shall print more than 16 pages. Nothing is said about the size of the pages; nothing is said about great periodicals—

The VICE PRESIDENT. The time of the Senator from Missouri has expired.

Mr. SMOOT. Mr. President, I think I ought to take only a few moments of the time of the Senate to again refer to the question that was brought up in reference to the newspapers having to pay 9 cents a pound for print paper. I think there were one or two such cases reported to the Federal Trade Commission, where they were charged 9 cents a pound away out in the western country, where a few pounds were purchased and taken from a roll of paper; in other words, it was shown that about once a month a little four-page pamphlet called a newspaper, but which did not buy more than 20 pounds at a time for one issue, had been charged 9 cents a pound—not by the manufacturer of the paper, but by the distributor of the paper, who had paid the freight upon the paper, and the purchaser took but a part of a roll and was charged 9 cents a pound, that is cited here as a wicked sample of what has been generally charged to the papers of this country for news-print paper.

Mr. President, in regard to the charge of a violation of the contract, I wish to say that the Federal Trade Commission was directed by the Senate, as I remember, to make an investigation of the cost of print paper. That investigation proceeded, and as it proceeded the Federal Trade Commission undertook to make an agreement with the paper manufacturers of this country as to the price at which print paper should be sold. An agreement was reached and a price named at 2½ cents a pound. Shortly after the agreement was reached the Attorney General, in behalf of the United States, brought suit against seven or eight paper manufacturers for the purpose of dissolving the companies, claiming that they had associated themselves together, and thus had formed a monopoly in restraint of trade.

It is true, Mr. President, that after they had made the agreement to sell paper at 2½ cents a pound, when the Attorney General began suit against them, they concluded that the agreement which they had made with the Federal Trade Commission, a branch of our Government, should not be binding. I think in many cases they then sold paper as high as 3 cents a pound instead of 2½ cents. But, further, Mr. President, when the cases were settled—and I am not going into the question of how they were settled, because that has already been stated on the floor a good many times—the Attorney General, as trustee in behalf of each and every individual, firm, or corporation publishing a newspaper and using news-print paper in his business or in its business in the United States, agreed with the seven or eight print-paper manufacturers who manufactured at least 75 per cent of the paper manufactured in the United States upon certain prices at which the paper should be sold. Those prices were based upon the investigation of the Federal Trade Commission and were the prices which that commission recommended. Here are those prices: From January 4, 1918, until April 1, 1918, for such news-print paper in rolls, \$3 per hundred pounds f. o. b. at the mill in carload lots, and \$3.25 per hundred pounds f. o. b. at the mill in less than carload lots.

Then, the agreement further provides:

After April 1, 1918, a just and reasonable maximum price and terms of contract for the sale of all or any print paper shall be determined and fixed by the Federal Trade Commission after due hearing and investigation.

Why, Mr. President, the agreement that has been reached is such that the Federal Trade Commission has absolute power to fix the price at which print paper shall be sold in the United States.

Mr. SMITH of Arizona. By the manufacturers not a party to that agreement?

Mr. SMOOT. Oh, well, I have already said manufacturers making 75 per cent of news-print paper in the United States are included in this agreement. Furthermore, Mr. President, I have no doubt whatever that the manufacturers of the other 25 per cent will follow suit just as soon as the Attorney General can get the signatures of the parties to the agreement. Why is any

legislation needed when we know that such an arrangement is in force to-day? The only reason this legislation is sought is to give, indirectly, the power to the President of the United States to say to any one paper in the United States, or to all of them, that they shall not have print paper if, in his judgment, it is better for the public good that they should not have it. It involves a greater censorship than was ever heretofore thought of or ever tried to be put into effect.

Mr. SMITH of Arizona. I should like to correct the Senator as to that.

Mr. SMOOT. I have only a few minutes, and I hope the Senator will wait until I conclude.

Mr. SMITH of Arizona. I understand the Senator's position.

Mr. SMOOT. The Senator from Arizona has had his 10 minutes.

Mr. SMITH of Arizona. I merely wish to say that only 55 per cent of the paper is handled by the companies included in this arrangement. I have here [exhibiting] the showing of every one of them.

Mr. SMOOT. I hope the Senator will let me proceed. Let us grant, Mr. President, that what the Senator has said is true, although he has said several times to-day that the output controlled by the so-called combine was about 75 per cent; but granting that it is only 55 per cent, that does not change the principle of the pending legislation.

Mr. NORRIS. Mr. President—

Mr. SMOOT. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to suggest to the Senator that his designation of the reason for giving this great power to the President is hardly accurate, because the amendment proposing to put this matter in the control of the President was not agreed to and is not in the joint resolution now.

Mr. SMOOT. The power is given in section 3, but be that as it may, it gives the power to the Federal Trade Commission.

Mr. NORRIS. Yes; that is right.

Mr. SMOOT. And the Federal Trade Commission would not deny a request of the President of the United States.

Mr. NORRIS. The Senator does not mean to say, does he, that the Federal Trade Commission will not exercise its own judgment, and that it is completely subservient to the President?

Mr. SMOOT. The Senator from Utah is willing to say that there is no telling what the joint resolution, if it ever passes the Senate, will contain when it comes out of conference; there is no telling what amendments may be made in the other House.

Mr. NORRIS. That may be, but the Senator is speaking of the joint resolution as it stands now, and it gives no such power to the President.

Mr. SMOOT. The Senator from Utah will stand corrected as far as section 1 is concerned, inasmuch as the amendment proposing to transfer the power to the President has been disagreed to, and it has been placed in the Federal Trade Commission rather than in the President, although in effect that does not change the situation a particle.

Mr. President, I do not care to say anything more about the measure at this time and hope the Senate will defeat the passage of the resolution.

The joint resolution was reported to the Senate as amended.

The VICE PRESIDENT. The Senator from Arizona has reserved for a separate vote in the Senate the amendment inserting section 5. The question is on concurring in the other amendments not reserved.

The amendments not reserved were concurred in.

The VICE PRESIDENT. The Senator from Arizona has reserved a separate vote on the amendment adding section 5 on which he has requested the yeas and nays. Is the request of the Senator from Arizona seconded?

Mr. THOMAS. I ask that the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add a new section at the end of the joint resolution as follows:

SEC. 5. That from and after 30 days from the approval of this act no newspaper shall be issued containing more than 16 pages such as were ordinarily printed by such paper.

Mr. SMITH of Arizona. I ask for the yeas and nays on the question of concurring in the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). As I have a pair with the Senator from New Hampshire [Mr. GALLINGER], in his absence I withhold my vote.

Mr. KELLOGG (when his name was called). I have a pair with the junior Senator from Maine [Mr. HALE] and therefore withhold my vote.

Mr. KNOX (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. As he is not present, I withhold my vote.

Mr. WEEKS (when Mr. LODGE's name was called). My colleague [Mr. LODGE] is absent on account of death in his family. He has a general pair with the senior Senator from Georgia [Mr. SMITH]. If my colleague were present he would vote "nay" on this amendment.

Mr. NORRIS (when his name was called). I am paired with the junior Senator from Utah [Mr. KING], who was called away from the Chamber and who has not yet come back. I do not know how he would vote on this amendment if present, and therefore withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He not being present, I withhold my vote.

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. SHERMAN (when his name was called). I have a pair with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. SHIELDS (when his name was called). I have a pair with the Senator from Connecticut [Mr. BRANDEGEE], who is absent on account of illness. I therefore withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], but upon this joint resolution and the amendments to it he is paired with the junior Senator from New Hampshire [Mr. HOLLIS]. I vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], but under that pair I am authorized to vote when I think proper on this measure. I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH of Michigan] is necessarily absent. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. STERLING]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. WILLIAMS. I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. HARDWICK. I have a general pair with the junior Senator from Kansas [Mr. CURTIS], who is absent on official business. I therefore withhold my vote.

Mr. KIRBY. I announce the absence of the senior Senator from Kansas [Mr. THOMPSON] on important public business.

Mr. TILLMAN. I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the senior Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. HARDING (after having voted in the negative). I voted without noticing the absence of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, but I am informed that on this amendment he would vote as I have voted. Therefore I will allow my vote to stand.

Mr. SMITH of Georgia (after having voted in the affirmative). I have not regarded this amendment seriously, and I really did not mean my vote seriously, so I should like the consent of the Senate to change it.

Mr. SMOOT. I desire to announce that the Senator from New Mexico [Mr. FALL] is paired with the Senator from Wyoming [Mr. KENDRICK] and that the Senator from New Jersey [Mr. FRELINGHUYSEN] is paired with the Senator from Montana [Mr. WALSH]. I also announce that the senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably absent and that the junior Senator from Kansas [Mr. CURTIS] is absent on official business.

The result was announced—yeas 4, nays 53, as follows:

YEAS—4.			
Jones, Wash.	McCumber	Ransdell	Sherman
NAYS—53.			
Ashurst	James	Poindexter	Swanson
Bankhead	Johnson, Cal.	Pomerene	Thomas
Beckham	Jones, N. Mex.	Reed	Tillman
Borah	Kenyon	Robinson	Townsend
Calder	Kirby	Saulsbury	Trammell
Chamberlain	La Follette	Shafroth	Vardaman
Cole	McKellar	Sheppard	Wadsworth
Cummins	McNary	Simmons	Watson
Fernald	Martin	Smith, Ariz.	Weeks
France	Myers	Smith, Ga.	Williams
Gerry	Nelson	Smith, Md.	Wolcott
Gronna	New	Smoot	
Harding	Owen	Stone	
Hitchcock	Pittman	Sutherland	

NOT VOTING—36.

Brandegge	Goff	King	Pheasant
Broussard	Gore	Knox	Shields
Culberson	Hale	Lewis	Smith, Mich.
Curtis	Hardwick	Lodge	Smith, S. C.
Dillingham	Hollis	McLean	Sterling
Fall	Hughes	Norris	Thompson
Fletcher	Johnson, S. Dak.	Overman	Underwood
Frelinghuysen	Kellogg	Page	Walsh
Gallinger	Kendrick	Penrose	Warren

So the amendment made as in Committee of the Whole was nonconcurrent in.

The VICE PRESIDENT. The Senator from Arizona [Mr. SMITH] now offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out section 3, as printed in the bill, and to insert:

That the President, during the present war emergency, shall have power by proclamation to declare that such imports of mechanical and chemical pulp and their products as he shall deem necessary in order to fully effectuate the objects of this act shall be sold and distributed under the supervision and regulation of the Federal Trade Commission, as provided for in section 1 of this act, except that existing contracts shall not be interfered with.

The VICE PRESIDENT. The Senator from Arizona asks for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair as before, I withhold my vote.

Mr. HARDWICK (when his name was called). I have a pair with the junior Senator from Kansas [Mr. CURTIS], who is detained from the Senate on account of official business. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. KELLOGG (when his name was called). I am paired with the junior Senator from Maine [Mr. HALE] and withhold my vote.

Mr. NORRIS (when his name was called). On this question I am paired with the junior Senator from Utah [Mr. KING]. If he were present he would vote "nay," and I would vote "yea."

Mr. OVERMAN (when his name was called). Again announcing my pair with the senior Senator from Wyoming [Mr. WARREN] I withhold my vote.

Mr. REED (when his name was called). Making the same announcement as on the previous roll call I vote "nay."

Mr. SHERMAN (when his name was called). I am paired with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. SHIELDS (when his name was called). Announcing my pair as before I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the senior Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last roll call I vote "yea."

The roll call was concluded.

Mr. MYERS. My colleague [Mr. WALSH] is still detained from the Senate by illness. He is paired with the junior Senator from New Jersey [Mr. FRELINGHUYSEN].

The result was announced—yeas 52, nays 9, as follows:

YEAS—52.

Ashurst	Kenyon	Pittman	Stone
Bankhead	Kirby	Poindexter	Sutherland
Beckham	Knox	Pomerene	Swanson
Borah	La Follette	Ransdell	Thomas
Calder	McCumber	Robinson	Tillman
Chamberlain	McKellar	Saulsbury	Townsend
Cole	McLean	Shafroth	Trammell
Cummins	McNary	Sheppard	Underwood
Fernald	Martin	Simmons	Vardaman
France	Myers	Smith, Ariz.	Wadsworth
Gerry	Nelson	Smith, Ga.	Weeks
Gronna	New	Smith, Md.	Williams
Harding	Owen	Smoot	Wolcott

NAYS—9.

Calder	France	Johnson, Cal.	Sherman
Chamberlain	Harding	Reed	Watson
Fernald			

NOT VOTING—32.

Borah	Frelinghuysen	Kendrick	Pheasant
Brandegge	Gallinger	King	Shields
Broussard	Goff	Lewis	Smith, Mich.
Culberson	Gore	Lodge	Smith, S. C.
Curtis	Hale	Norris	Sterling
Dillingham	Hollis	Overman	Thompson
Fall	Hughes	Page	Walsh
Fletcher	Kellogg	Penrose	Warren

So the amendment of Mr. SMITH of Arizona was agreed to.

Mr. REED. Mr. President, I move to strike out section 4 and to insert in lieu thereof the matter which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of section 4 as amended, and to insert in lieu thereof the following:

That any person or persons engaging in a conspiracy to limit the production or sale of print paper, or to fix the price of the same, or to create a monopoly in the manufacture or sale thereof, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years, and shall be fined not less than \$150,000.

Mr. SMITH of Arizona. Mr. President, I have no objection to the Senator's amendment if he does not strike out the whole of section 4 of the joint resolution. He can put in afterwards whatever he wants as to conspiracy; but I hope the Senator will not press the amendment to strike out section 4, for he will admit, and everyone else will admit, that if section 4 is struck out it leaves no power on earth in the joint resolution. If section 4 is struck out, it is equivalent to voting against the joint resolution itself. The question will come up better, in my judgment, on the square question of passing the joint resolution than on an amendment that will make the measure absolutely nugatory, in my judgment.

I say that, although I was not able to catch as clearly as I should like to, because of the noise about me, the precise words of the Senator's amendment.

Mr. REED. Mr. President, the joint resolution as drawn gives the Federal Trade Commission authority to control, supervise, and regulate the production and distribution of print paper and chemical pulp. That, of course, gives it jurisdiction over all of the activities and all of the energies employed in making paper. As I stated awhile ago in a colloquy, it gives the Federal Trade Commission jurisdiction over every instrumentality, from the man who wields the ax in the forest to cut down the trees to the transportation company that hauls the material to the mill that manufactures it and to the agencies that distribute it.

The section giving that broad power to the Federal Trade Commission is followed by section 4, which provides that every order of the Federal Trade Commission shall be obligatory on every individual, firm, association, company, corporation, or organized manufacturing industry, or the responsible head or heads thereof, who shall do any of the things I have heretofore referred to; and then it is followed with the provision that a failure to comply, not with the orders of the Federal Trade Commission, not with the laws of Congress, not with the laws of our country, but with the orders of the Federal Trade Commission, shall constitute a felony, which shall be punishable by three years' imprisonment and a fine.

Mr. President, if this joint resolution authorized the Federal Trade Commission to seize the products of these plants, to go into court or outside of court to take possession of the property of individuals, and left the individual to his recourse in the civil courts of the country, it would be a very radical measure, but it might be tolerable. But, Mr. President, the joint resolution proposes to say to every man engaged in this industry: "Obey the orders of the Federal Trade Commission or go to the penitentiary."

No matter how arbitrary the order may be, no matter how destructive it may be, no matter how unjust it may be, no matter how illegal it may be, every man who refuses to obey does so with the threat of the penitentiary hanging over him; and this is proposed in a country where we claim to have a Constitution, in a country where it always has been said that a man was entitled to his day in court, and to be tried according to the law of the land; and the proposition here is to send a man to the penitentiary because he does not obey the order, not of the law itself, but of a board or tribunal!

Mr. SMITH of Arizona. Mr. President, I will ask the Senator, if he will permit me, if that is not true of the national-defense act; if the very same language does not occur also in the food and coal act and in the national-defense act, except that the penalty is three times as great?

Mr. REED. Well, Mr. President, if any such language occurs in any act of Congress, it is to the shame of Congress, and it is to the shame of our country. This has always been understood to be a government of law and not a government of men; a government in which the rules by which the citizen is to be guided are laid down by the lawmaking power that the citizen has created. It is a new chapter in American jurisprudence and in constitutional development or disintegration when it is proposed to say that whenever some board issues an order that a man does not see fit to obey he shall not have his day in court to settle his civil rights in a civil tribunal, but that if he fails to turn over his property or obey the mandate of that board he

shall be instantly haled before a criminal court and started to the penitentiary.

That sort of legislation, Mr. President, I do not believe finds a parallel in Austria. I do not believe you can parallel it in Prussia. I think you would have to go to Turkey to find its real source.

Now, the chairman in charge of this bill holds before me some book, in which he says we have done similar things before. That is a miserable begging of a question. If we have done things of this kind before, if this Congress has been reckless to the people's rights, it is so much the more reason why we should pause now. Who is it in his calm moments can deem it safe to vest such powers as these in men?

Mr. President, the amendment I have offered proposes to punish as crimes those things that are crimes, those things that have been recognized as crimes. It is proposed to penalize these institutions and men if they shall conspire in restraint of trade, if they shall seek in any way to fix prices, to limit output. That far we can justly and properly go, and no further than that should we go.

Mr. SMITH of Arizona. Mr. President—

Mr. REED. Mr. President, I raise the question that the Senator has occupied his time on this bill.

Mr. SMITH of Arizona. I thought the Senator offered an amendment.

Mr. REED. And you spoke to it—

Mr. SMITH of Arizona. I have not said a word in the way of a speech. I interrupted the Senator.

Mr. REED. For at least seven or eight minutes.

Mr. SMITH of Arizona. I interrupted you.

Mr. REED. The Senator did not interrupt me. I offered an amendment, and before I said a word the Senator spoke. I would have no objection, but if we are going to have rules we should observe them.

Mr. SMITH of Arizona. In order to avoid that, I move to amend the Senator's amendment by striking out the first clause of it.

Mr. REED. Very well.

Mr. SMITH of Arizona. Mr. President, the speech the Senator has delivered is so much in line with so many great speeches he has delivered, never a weak one, in this body but along the same identical lines, that I was wondering whether the Senator voted for or against the national-defense bill. If he voted for it, he is subject to all the denunciation that he has been heaping on the balance of us. If he voted against it, he is perfectly consistent. I was wondering whether he voted for the food and coal regulations. I think the Senator probably voted against that measure.

Mr. REED. I undoubtedly did.

Mr. SMITH of Arizona. If he did, the Senator was consistent; but in the national-defense bill there are provisions forty times worse than the very one against which he inveighs now. If the Senator will permit me, I will read a section from that act.

Mr. REED. I was going to ask the Senator to find where there was something forty times worse in the English tongue.

Mr. SMITH of Arizona. I will show it. It was forty times worse, according to the Senator's own statement, than what is contained in this bill. It is very easy to say how evil something is; it is easy to say there is something equally awful; yet it does not make any difference; "I know it is awful, but this is awfuller than the awful mistake I made last week."

What was the national defense bill? I will not read all of its 128 sections, but I will read part of it. Under the section providing for the purchase or procurement of military supplies the President—

is hereby authorized to take immediate possession of any such plant or plants—

I do not do that in this bill—

and, through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required—

Listen, Senator from Missouri, to your own criticism—and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section—

And this section not only gives the power that is given in this measure, but broader, giving the power under the head of the department—

shall be deemed guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than three years and by a fine not exceeding \$50,000.

Mr. REED. Will the Senator yield for a question, since he is making this entirely personal?

Mr. SMITH of Arizona. It is not personal.

Mr. REED. That section applies to the commandeering by the United States of property to be used in war, does it not?

Mr. SMITH of Arizona. Yes.

Mr. REED. It provides simply that the Federal Government can take it, and it provides a method of sure and speedy payment, and then it punishes the individual for refusing to turn over the property under those circumstances.

Mr. SMITH of Arizona. My friend is not asking me a question.

Mr. REED. Does the Senator mean that that is a parallel with this miserable thing he has produced here?

Mr. SMITH of Arizona. Yes; I claim that the thing you voted for is more miserable than this.

Mr. REED. You may claim it, but nobody will believe it.

Mr. SMITH of Arizona. I put it as boldly as that. The Senator makes a naked assertion.

Mr. REED. Very well.

Mr. SMITH of Arizona. The Government of the United States is paying millions upon millions of dollars for this very product right now.

Mr. REED. Does the Senator pretend that this bill is the taking over of property?

Mr. SMITH of Arizona. As there was under this section. That is precisely the case with this present outrage.

Mr. REED. Does the Senator pretend that the bill we have now proposes to take property and pay for property and take it as a war measure and turn it over?

Mr. SMITH of Arizona. I must ask the Senator to excuse me from permitting him to make a speech. I will answer any direct question.

Mr. REED. I was asking a question.

Mr. SMITH of Arizona. I know; but it takes so long to ask a question that the Senator will make a long speech before I can get through.

Mr. REED. Very well, proceed.

Mr. SMITH of Arizona. Mr. President, this is nothing in the world but the same old condemnation of everything that is trying to get from under the operation of these combinations that are taking advantage of war times to rob the people. The Senator is not conscious of any such purpose as that underlying it. He has just one single, solitary thing that convinces and persuades him without his knowledge of it. No man has higher respect for anybody than I entertain for my very able and genial friend from Missouri, but we all know our friend from Missouri. He is a natural, everlastingly pugnacious, fighting individual with the kindest heart in the world. He can not argue a case but that he has to get mad.

Mr. President, the object of the Senator's amendment is for us to take all we can get, take all our machinery and see if we can not hunt out and find this combination in restraint of trade. We have got to work for months and months under his amendment to find out whether or not some people are violating the law, and if they are whether they are doing it under the particular combination in this particular case before the bill would operate.

No, my friend wants to be perfectly fair. He does not want to denounce the things that I am advocating as being outrageous when the things he advocated a few weeks ago are just the same. Both of us are too good friends to have the least feeling about a matter of our own differences or about what we may say pleasantly of each other in this body or elsewhere, but it is not fair from my standpoint to be assailed for the very thing on account of which the Senator is assailing me when, in my judgment, he did the same thing in a bill passed a few weeks ago.

Mr. President, I sincerely hope that this amendment may not prevail, for it only takes all possible power out of the bill itself. Vote as you please, whether it shall be operative or not in the final analysis, but I insist that as fair men and Senators of the United States it should be the effort of all of us to keep the bill in as good a state as we can make it, that we should make it as good as possible, and if we can not get it good enough in the minds of many they had better vote against it. Let us make it good in the minds of those who will vote for it, and let us not play this schoolboy prank of voting that newspapers shall only print seven columns and inveigh against Senators rising on this floor and voting for what they themselves voted.

Mr. REED. Mr. President, I desire to speak to the amendment to the amendment. I regret exceedingly that my course in the Senate has not met with the approval of the Senator from Arizona or that I should bring myself within the characterization which he has seen fit to put in the Record.

So far as I am concerned, I have always voted my honest judgment on the floor of the Senate. I have never pettifogged nor played demagogue either on the floor of the Senate or elsewhere. I would not stand before this body and assert that a bill which had been passed was forty times as bad as this bill

and seek to excuse the badness of this bill by an argument of that kind, particularly if I had voted for the bill that was forty times as bad.

The loose statement made by the Senator, inadvertently made, has a fitting illustration in the fact that I asked the Senator to produce a sample of the bill that was forty times as bad and he read us a clause from the defense act which authorized the President of the United States, strictly as a war measure, strictly as a military measure, to take possession of property necessary for the preservation of the Army and the Navy, but not to take possession until and unless provision was made for payment. Then in order that the President might not find himself resisted but should be permitted to take the property for military purposes, it was provided that resistance to that lawful authority of the President's should be punished as a crime.

The Senator tells us that because a man voted that the Government of the United States had authority to take possession of property for military purposes and pay for it, and that resistance to that lawful act should be made a crime, the Senator has the audacity to tell us that that is forty times worse than making it a crime punishable by the penitentiary to do something that the Federal Trade Commission said you should not do.

Now, I have no quarrel with the Senator. He has not agreed with me on many measures of legislation. We think differently; that is all. He has a right to his view of the Constitution, and I have a right to mine. I have stood upon the floor of the Senate and have said that the Constitution ought to be regarded on the floor of the Senate if in any place on earth, and I have objected to ruthlessly disregarding it, and every time I have so objected I have unfortunately found myself in opposition to the Senator from Arizona. For that I am sorry, but I do not regret the fact that I have occasionally lifted my voice in the defense of my country.

Mr. President, the amendment I have offered I offered in good faith. It proposes to say simply this, that if news-print paper manufacturers shall conspire to fix prices, to restrain trade, to create monopoly, for those crimes or any of them they may be severely punished. This substitutes law for the punishment of a defined crime for the purpose of a bill which is to send men to the penitentiary for refusing to obey the commands of other men.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arizona to the amendment offered by the Senator from Missouri.

Mr. SMITH of Arizona. I withdraw the amendment to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Missouri.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I make the same announcement of my pair as on the former vote and withhold my vote.

Mr. HARDWICK (when his name was called). I make the same announcement of my pair and its transfer as on the last vote. I vote "yea."

Mr. SHERMAN (when his name was called). I repeat the announcement of my pair and its transfer as on the former vote, and I vote "yea."

Mr. SHIELDS (when his name was called). Making the same announcement as before of my pair with the Senator from Connecticut [Mr. BRANDEGEE], I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair, I withhold my vote.

The roll call was concluded.

Mr. FLETCHER. I transfer my pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WILLIAMS. Repeating the announcement which I made upon the previous roll call, I vote "nay."

Mr. POINDEXTER. A parliamentary inquiry, Mr. President. I am somewhat confused as to which amendment we are voting on. Is it the Smith amendment or the Reed amendment?

The VICE PRESIDENT. It is the Reed amendment.

Mr. OVERMAN. I make the same announcement as before. I am paired with the senior Senator from Wyoming [Mr. WARREN], and therefore I withhold my vote.

Mr. JAMES (after having voted in the negative). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I understand that he has not voted, and therefore I withdraw my vote.

The result was announced—yeas 30, nays 31, as follows:

YEAS—30.

Borah	Hardwick	McKellar	Sutherland
Calder	Johnson, Cal.	McLean	Townsend
Chamberlain	Jones, Wash.	McNary	Trammell
Fernald	Kenyon	New	Vardaman
France	King	Reed	Wadsworth
Gronna	Knox	Sherman	Watson
Hale	La Follette	Smith, Ga.	
Harding	McCumber	Smoot	

NAYS—31.

Ashurst	Johnson, S. Dak.	Owen	Smith, Ariz.
Bankhead	Jones N. Mex.	Poindexter	Stone
Beckham	Kellogg	Pomerene	Swanson
Colt	Kirby	Robinson	Thomas
Cummins	Martin	Saulsbury	Tillman
Fletcher	Myers	Shafroth	Underwood
Gerry	Nelson	Sheppard	Williams
Hitchcock	Norris	Simmons	

NOT VOTING—32.

Brandegee	Goff	Overman	Smith, Mich.
Broussard	Gore	Page	Smith, S. C.
Culberson	Hollis	Penrose	Sterling
Curtis	Hughes	Phelan	Thompson
Dillingham	James	Pittman	Walsh
Fall	Kendrick	Ransdell	Warren
Frelinghuysen	Lewis	Shields	Weeks
Gallinger	Lodge	Smith, Md.	Wolcott

So Mr. REED's amendment was rejected.

The VICE PRESIDENT. The joint resolution is in the Senate and open to further amendment.

The joint resolution was ordered to be engrossed for a third reading and read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. SMITH of Arizona and Mr. SMOOT called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HARDWICK (when his name was called). Making the same transfer of my pair as formerly, I vote "nay."

Mr. OVERMAN (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. WARREN], who is absent to-day, and I therefore withhold my vote.

Mr. REED (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

Mr. SHERMAN (when his name was called). I have a pair with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. SHIELDS (when his name was called). I again announce my pair with the Senator from Connecticut [Mr. BRANDEGEE] and withhold my vote. If I were at liberty to vote I should vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. He has authorized me to vote as I see proper on this joint resolution. I therefore vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair, I withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating my announcement as on the last roll call, I vote "yea."

The roll call was concluded.

Mr. RANDELL. I wish to announce the absence of my colleague [Mr. BROUSSARD] on account of illness.

Mr. FLETCHER. I have a general pair with the Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. MCLEAN. I desire to announce the necessary absence of my colleague [Mr. BRANDEGEE]. If he were present he would vote "nay."

Mr. GERRY. I desire to announce the absence of the Senator from Illinois [Mr. LEWIS] and of the Senator from Kansas [Mr. THOMPSON] on account of important business. I am informed that if the Senator from Kansas were present he would vote "yea."

Mr. WEEKS. My colleague [Mr. LODGE], whose absence has been announced, is paired on this question with the junior Senator from New Hampshire [Mr. HOLLIS]. If my colleague were present he would vote "nay."

Mr. SMOOT. I desire to announce that the Senator from New Hampshire [Mr. GALLINGER] is unavoidably absent from the Senate, and that the Senator from Kansas [Mr. CURTIS] is absent on official business.

Mr. SHIELDS. I desire to transfer my pair with the Senator from Connecticut [Mr. BRANDEGEE] to the Senator from Texas [Mr. CULBERSON] and vote. I vote "yea."

The result was announced—yeas 32, nays 36, as follows:

YEAS—32.

Ashurst	Kellogg	Pittman	Smith, Ariz.
Bankhead	Kirby	Poindexter	Stone
Beckham	McKellar	Pomerene	Swanson
Colt	Martin	Robinson	Thomas
Fletcher	Myers	Shafroth	Tillman
James	Nelson	Sheppard	Trammell
Johnson, S. Dak.	Norris	Shields	Underwood
Jones, N. Mex.	Owen	Simmons	Williams

NAYS—36.

Borah	Harding	McCumber	Smith, Md.
Calder	Hardwick	McLean	Smoot
Chamberlain	Hitchcock	McNary	Sutherland
Cummins	Johnson, Cal.	New	Townsend
Fernald	Jones, Wash.	Ransdell	Vardaman
France	Kenyon	Reed	Wadsworth
Gerry	King	Saulsbury	Watson
Gronna	Knox	Sherman	Weeks
Hale	La Follette	Smith, Ga.	Wolcott

NOT VOTING—25.

Brandegee	Gallinger	Lodge	Sterling
Broussard	Goff	Overman	Thompson
Culberson	Gore	Page	Walsh
Curtis	Hollis	Penrose	Warren
Dillingham	Hughes	Phelan	
Fall	Kendrick	Smith, Mich.	
Frelinghuysen	Lewis	Smith, S. C.	

So the joint resolution was rejected.

DEATH OF MAJ. AUGUSTUS PEARBODY GARDNER.

A message from the House of Representatives, by G. E. Turner, transmitted to the Senate resolutions on the death of Maj. Augustus Peabody Gardner, formerly a Member of this Congress and who resigned therefrom to enter the military service of the United States.

The VICE PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
JANUARY 15, 1918.

Resolved, That the House has heard with profound sorrow of the death of Maj. Augustus Peabody Gardner, formerly a Member of this Congress and who resigned therefrom to enter the military service of the United States, and whose death occurred at Camp Wheeler, Ga., on Monday, the 14th day of January, 1918.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased this House do now adjourn.

Mr. WEEKS. Mr. President, I send the following resolutions to the desk, which I ask may be read, and I ask unanimous consent for their immediate consideration.

The VICE PRESIDENT. The resolutions will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 183.

Resolved, That the Senate has heard with profound sorrow of the death of Maj. Augustus Peabody Gardner, formerly a Member of this Congress and who resigned therefrom to enter the military service of the United States, and whose death occurred at Camp Wheeler, Ga., on Monday, the 14th day of January, 1918.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. WEEKS. Mr. President, I think these resolutions are without precedent, but I am confident that there can be no objection, but hearty approval of their purpose. Maj. Gardner, whose death was announced in this morning's papers, was elected a Member of the present Congress. He was the first Member to resign his seat to go into the military service, and the body of which he was a Member has to-day taken similar action to that proposed in these resolutions, and has adjourned out of respect to his memory.

I am very glad that this gives me an opportunity to make one or two comments which I think may not be out of place at this time. Mr. Gardner was a man of strong views. It was not necessary to agree with his conclusions in order to recognize his courage and independence of expression. That has been typical of his career during the 16 years he served in the House of Representatives. His early training led him to have positive views on the question of his country's preparedness. More than 20 years ago he was a member of the Massachusetts State Senate and chairman of the military committee of that body. Later he served with credit in the Spanish-American War. He has served in the Massachusetts militia, and his natural aptitude and taste for military subjects were instrumental in bringing him to the conclusion that this Government was totally unprepared and it would be criminally negligent to allow such a condition to continue. Having these views and the enthusiasm and temperament of the evangelist of the Billy Sunday type, he did not hesitate to strike and strike hard in favor of the views he enter-

tained. It may be justly said of him that he had quite as much to do as any other man in centering attention on our military condition and military necessities. However, he not only preached but he acted, and when we declared war, although he had passed the meridian of life, he did not hesitate to go into service in a branch of the Army suitable for one of his years and physical condition. But even this did not satisfy his sense of obligation and duty, for he voluntarily—and this is one of the few instances in my knowledge of such action being taken—asked that he be demoted from the rank of colonel to that of major so that he might serve directly with troops. By doing so he has set an example to the youth of this country, especially to a large number of young men with whom we are more or less familiar who have endeavored to get into branches of the service not of the fighting forces. In serving his country he has met his death with as much courage and devotion as if he had lost his life in the trenches in France. It is for these reasons, the lesson which his life carries, and because of his having been a Member of this Congress, that I move the adoption of the resolutions.

Mr. President, I move, as a further mark of respect to the memory of the deceased, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 16, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 15, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, our hearts turn to Thee in fervent prayer for all who are suffering the rigors of an exceptionally severe winter, especially those who have been and are without fuel in their homes; and we pray most fervently that wind and wave may be tempered to our soldiers and sailors.

Our hearts are touched by the news of the death of one who filled a conspicuous place on the floor of this House for many years, and was first to resign his position to follow the flag in defense of the principles he upheld as a Representative and a statesman. Comfort, we beseech Thee, those who knew and admired him.

His stricken family, uphold and sustain them in the blessed thought that life is ever lord of death, and love can never lose its own, for Thou dost live and reign.

Hear us, we pray Thee, in the name of Him who said: "I am the resurrection and the life. He that believeth on me shall never die." Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. VARE, by unanimous consent, was given leave of absence for two weeks, on account of important business.

DEATH OF MAJ. AUGUSTUS P. GARDNER.

Mr. GILLET. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. LUFKIN] have permission to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUFKIN. Mr. Speaker, it is with profound sorrow that I rise to announce the death of my predecessor in this House, your colleague for the past 15 years, Maj. Augustus P. Gardner. At 5.05 o'clock yesterday afternoon, in the base hospital at Camp Wheeler, Ga., Maj. Gardner answered his last roll call either as a legislator or as a soldier, a victim of camp pneumonia.

With the same courage which he ever displayed as a Member of this House, with the same fortitude which characterized his action when the President called for volunteers, Augustus P. Gardner cheerfully answered the command of that great General from above and gave his life as a sacrifice to the cause for which he had not only preached but practiced, the future safety of our country.

I think I can truthfully say that Maj. Gardner was the first man in the American Congress to warn his fellow countrymen of the importance and necessity of strengthening our national defenses in every way possible. It was characteristic of the man, therefore, that when America was called upon to do her part in the world-wide war now upon us that Augustus P. Gardner should be the first Member of this House to resign his seat

and offer his services to his country's call. It was further characteristic of the man, after a service of a few months in the United States Army, to establish the almost unknown precedent of asking for a demotion from a colonel on the staff to a major in the line in order that he might more fittingly fight his share of our Nation's battles.

It was the privilege of you men here to have been associated with Augustus P. Gardner as a legislator, some during his entire service, others for a much shorter period. It was my privilege, however, to have been associated with him in a more personal manner, as his secretary, as his political associate, and as my dearest and best friend and benefactor during a service of nearly 16 years. I knew him before he became a Member of this body. I knew him as a Member, and I knew him as a soldier of the United States. He was always the same. The office or the uniform made no difference. He was always a man in all that the term implies.

You who have served with him, whether it be as an associate on this side of the Chamber or as an opponent on the other side, know that when he fought it was with both hands and with all the strength at his command. But you also know that Augustus P. Gardner never struck a blow below the belt and never took an unfair advantage of an adversary. And if this applies to this House, it also applies to his private life and to his long list of political campaigns in Massachusetts. His friends loved him; his opponents admired him as a man who did not know the meaning of the word deceit and whose whole lexicon was based on the theory of justice and fair treatment toward his fellow man.

Mr. Speaker, there will probably be many more sacrifices of good and true men before this terrible war is over. But when the history is finally written, when the toll is at last complete, I am proud to think that there will be no soldier, be he officer or private, of whom it can more truly be said—

He was a man,
Take him for all in all;
I shall not look upon his like again—

Than your former colleague, my friend and benefactor, a statesman, a soldier, and, best of all, a man, Augustus P. Gardner.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 226.

Resolved, That the House has heard with profound sorrow of the death of Maj. Augustus Peabody Gardner, formerly a Member of this Congress, and who resigned therefrom to enter the military service of the United States, and whose death occurred at Camp Wheeler, Ga., on Monday, the 14th day of January, 1918.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. KITCHIN. Mr. Speaker, I hope, subject to the approval of the family, to offer a resolution later for holding the funeral services either in the House or the Rotunda of the Capitol.

The Clerk read the further resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased, this House do now adjourn.

The SPEAKER. Is there objection to the present consideration of the resolutions?

There was no objection.

The resolutions were agreed to.

ADJOURNMENT.

Accordingly (at 12 o'clock and 14 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 16, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting tentative draft of legislation to admit, free of duty, articles made by prisoners of war interned in a foreign country (H. Doc. No. 807); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a list of cases referred to this court by the House of Representatives dismissed on motion of defendants, consented to by the claimant's attorney (H. Doc. No. 808); to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Controller Bay, Alaska (H. Doc. No. 809); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GALLIVAN: A bill (H. R. 8429) granting an increase in compensation to the Commissioner of Internal Revenue and collectors of internal revenue; to the Committee on Ways and Means.

By Mr. BORLAND: A bill (H. R. 8713) to prevent the misuse of receipts for internal-revenue taxes or special-tax stamps, and for other purposes; to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 8714) providing for an advisory referendum by the people of the District of Columbia on certain questions relating to municipal self-government and representation in Congress; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: A bill (H. R. 8715) to authorize the construction of a building for the Bureau of Fisheries in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 8716) to create a Federal Power Commission and to define its powers and duties, to provide for the development of water power, for the use of lands of the United States in relation thereto, and for other purposes; to the Special Committee on Water Power.

By Mr. HADLEY: A bill (H. R. 8717) to amend paragraph A, section 500, of an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. LEVER: A bill (H. R. 8718) to provide further for the national security and common defense by the conservation of foodstuffs, feeds, and materials necessary for the production, manufacture, and preservation of foodstuffs and feeds; to the Committee on Agriculture.

By Mr. GARD: Resolution (H. Res. 224) directing the Committee on Military Affairs to make investigation of camp conditions in military camps; to the Committee on Rules.

By Mr. CARY: Resolution (H. Res. 225) providing for an investigation of certain charges concerning our soldiers in Europe; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8719) granting a pension to Laura C. Kinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8720) granting an increase of pension to Lucy M. Robey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8721) granting a pension to Mary A. Lake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8722) granting an increase of pension to Lyman L. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8723) granting an increase of pension to George R. Hemmingway; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 8724) granting an increase of pension to Mason Gates; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 8725) granting an increase of pension to Archy N. McIntyre; to the Committee on Invalid Pensions.

By Mr. CONNELLY of Kansas: A bill (H. R. 8726) granting an increase of pension to Ben F. Wood; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 8727) granting an increase of pension to Joel Strieby; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 8728) granting an increase of pension to Joseph L. Middleton; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 8729) for the relief of Alma Harris; to the Committee on the Public Lands.

By Mr. HASKELL: A bill (H. R. 8730) granting an increase of pension to Andrew Henri Hart; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 8731) granting an increase of pension to John Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8732) granting an increase of pension to Samuel Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8733) granting a pension to William H. Culler; to the Committee on Pensions.

By Mr. MCARTHUR: A bill (H. R. 8734) granting a pension to Mary E. Steepy; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 8735) for the relief of E. W. Null; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN: A bill (H. R. 8736) to carry into effect the findings of the Court of Claims in case of James A. Verret, administrator of Adolph Verret, deceased; to the Committee on War Claims.

By Mr. MASON: A bill (H. R. 8737) granting an increase of pension to Florence E. Foster; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 8738) to exempt persons engaged in agriculture and coal mining from military service, and for other purposes; to the Committee on Military Affairs.

By Mr. PURNELL: A bill (H. R. 8739) granting a pension to Philip Owen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8740) granting an increase of pension to Thomas T. Munhall; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 8741) granting a pension to Carl N. Nelson; to the Committee on Pensions.

By Mr. STERLING of Illinois: A bill (H. R. 8742) granting an increase of pension to Dallas McIntyre; to the Committee on Pensions.

Also, a bill (H. R. 8743) granting an increase of pension to Patterson Short; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 8744) for the relief of Louis A. Barretta; to the Committee on Claims.

PETITIONS, ETC.

By the SPEAKER (by request): Resolution of the general medical board of the Council of National Defense, favoring the principle of daylight saving as proposed by Senate bill 1854; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Evidence to accompany House bill 6034, William H. Williams, for special relief; to the Committee on Pensions.

By Mr. BROWNING: Petition of St. Enda's Literary Society, Camden, N. J., indorsing the joint resolution proposing that Ireland be included among the "small and oppressed nationalities" referred to in the President's peace pronouncements; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of John S. Sills & Sons, protesting against the reduction of postage rates on second-class matter; also, resolution of the Agricultural Publishers' Association, protesting against the recent increase in such rates, and requesting that they be lowered; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of the Agricultural Publishers' Association, for repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. MAHER: Petitions of 250 citizens of Portland, Oreg.; 184 citizens of Columbus, Ohio; 486 citizens of Salt Lake City, Utah; 400 citizens of St. Paul, Minn.; 156 citizens of Lynn, Mass.; 325 citizens of Paterson, N. J.; 886 citizens of Superior, Wis.; 358 citizens of Lansing, Mich.; 486 citizens of New York City; 346 citizens of Buffalo, N. Y.; 225 citizens of San Francisco, Cal.; 63 members of the Business Men's Association, Gloucester, Mass.; many citizens of Cincinnati, Ohio, and 98 citizens of Middleton, Ohio, all favoring the passage of the Madden bill (H. R. 1654); to the Committee on the Post Office and Post Roads.

Also, resolutions of the Board of Aldermen, New York City; Parkway Club, Brooklyn, N. Y.; Auxiliary No. 124, National Association of Letter Carriers, Gloucester, Mass.; Auxiliary No. 5, Rochester, N. Y.; Auxiliary No. 91, San Diego, Cal.; Auxiliary No. 21, Springfield, Ill., and Auxiliary No. 3, Philadelphia, Pa., National Association of Letter Carriers, favoring the passage of the Madden bill (H. R. 1654); to the Committee on the Post Office and Post Roads.

Also, petitions numerous signed by citizens of Topeka, Kans.; San Jose, Cal.; Pittsburg, Kans.; South Bend, Ind.; Altoona, Kans.; Sedalia, Mo.; Baltimore, Md.; Jacksonville, Fla.; Kansas City, Kans.; Covington, Ky.; Lincoln, Neb.; Duluth, Minn.; Fremont, Neb.; Danville, Ill.; and Erie, Pa., all favoring House bill 1654; to the Committee on the Post Office and Post Roads.

Also, petitions of the auxiliaries of the National Association of Letter Carriers of New Britain, Conn.; Austin, Tex.; Trenton, N. J.; Los Angeles, Cal.; Seattle, Wash.; Harrisburg, Pa.; Des Moines, Iowa; Helena, Mont.; Joplin, Mo.; Braddock, Pa.; Syracuse, N. Y.; Birmingham, Ala.; Spokane, Wash.; Grand Junction, Colo.; and Omaha, Neb., favoring House bill 1654; to the Committee on the Post Office and Post Roads.

By Mr. POWERS: Petition of divers citizens of Monroe County, Ky., protesting against grading second-class postage on a zone basis; to the Committee on the Post Office and Post Roads.

By Mr. ROUSE: Petition of Lieb & Ladenberger, N. B. Thompson & Co., J. F. O'Brien & Co., R. A. Rasche & Co., and John

Hamilton, all of Cincinnati, protesting against the American Sugar Refining Co. taking advantage of the position occupied by it under the Food Administration to eliminate brokers in refined sugar; to the Committee on Agriculture.

By Mr. TAGUE: Resolutions of the common council of Philadelphia, protesting against the taking away of the pneumatic mail service in that city; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of Miner, Reed & Tullock, Meriden, Conn., and Myer Leenie, New Haven, Conn., protesting against the American Sugar Refining Co. being permitted to take advantage of its position to force the placing of orders with said company; to the Committee on Agriculture.

By Mr. WALDOW: Resolutions of the rural carriers of Erie County, N. Y., asking that Congress provide for maintenance of equipment for rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of Indiana: Resolution of the Farmers' Institute Association of Shelby Township, Tippecanoe County, Ind., favoring the prohibition of the liquor business as a war measure; to the Committee on Alcoholic Liquor Traffic.

SENATE.

WEDNESDAY, January 16, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray that the ministry vouchsafed to us to-day out of all the incidents of life and the conditions that surround us may be a spiritual ministry, that we may be led to contemplate the spiritual origin of life and the significance of all the facts of life in the light of its spiritual origin. Grant, we pray, that Thy gracious Spirit may be ministered unto us by the power of Thy holy Spirit within us, that we may overcome the world through our faith in Thee. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RENT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report of rents received from properties located on sites of proposed public buildings purchased by the Government in the city of Washington, which was referred to the Committee on Appropriations and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules and lists of papers, documents, and so forth, on the files of the Treasury Department, which are useless and have no historic value, and requesting action looking to their disposition. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints the Senator from Maryland [Mr. FRANCE] and the Senator from New Hampshire [Mr. HOLLIS] the committee on the part of the Senate. The Secretary will notify the House thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916.

STRIKES AND LOCKOUTS.

Mr. SHERMAN. Mr. President, I present a summary prepared on the number of days lost in strikes and lockouts in the United States and Germany. The facts are based on the report of the Bureau of Labor Statistics, Department of Labor, of date December, 1917. I ask that it may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

STRIKES AND LOCKOUTS IN THE UNITED STATES AND GERMANY.

The Bureau of Labor Statistics, Department of Labor, in its December, 1917, issue, declares that in the last month for which it has figures, September, 1917, 283 strikes and 7 lockouts are reported. The bureau estimates that this is incomplete and that "the number of strikes in the country probably approach 450 in the month under consideration."

It is stated that in 171 of such strikes 147,349 persons were involved; of the remaining 112 strikes no figures are available as to the number of persons involved. It is further stated with respect to the duration

of strikes that the average of the least number given is about 7½ days. The number of persons involved in lockouts is inconsiderable and may therefore be put aside. But taking the number of persons involved in 171 strikes, which is 147,349, and multiplying by the average duration of seven days, it is apparent that on this minimum at least 1,031,443 work days were lost by strike during the month of September, 1917. This, from the condition of the statistics, is obviously a great underestimate.

The same number of the Review gives the figures for strikes and lockouts in Germany, in the calendar year 1916, from volume 323 of the Statistics of the German Empire, appearing in the Bremer Bürger-Zeitung, Bremen, August 6, 1917. From this it appears that 240 strikes, affecting 124,183 workers, were reported for 1916. The Review then says:

"The real extent of labor disputes is best indicated by the number of work days lost, which is obtained by multiplying the number of striking or lockout workers with the duration of the disputes."

Not giving the average duration but evidently following this process, the Review announces a loss of 245,404 workdays by the German strikes.

It thus appears that taking an underestimated minimum as the basis of American figures and the official statistics of the German Empire, that four times as many workdays were lost through strikes in the month of September, 1917, in the United States than was lost in the whole of the year 1916, from the same cause, in the entire German Empire.

THE LABOR SITUATION.

Mr. SHERMAN. I present further a copy of a report made by the National Industrial Conference Board relating to the same subject, which I ask to have printed in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE COUNCIL OF NATIONAL DEFENSE.

GENTLEMEN: Some months ago, at the suggestion of Mr. Howard Coffin, a committee of five was appointed by the National Industrial Conference Board to advise with him in matters relating to the economics of industry, which committee has been officially designated the advisory committee of the National Industrial Conference Board. At his suggestion we are here to present certain statements and recommendations regarding the relations of employer and employee and the adjustment of possible differences during the period of the war.

The National Industrial Conference Board is a cooperative and advisory body of representative manufacturers constituted through the selection of two members by and from each of the following national associations:

- American Cotton Manufacturers' Association.
- American Paper and Pulp Association.
- Electrical Manufacturers' Club.
- Manufacturing Chemists' Association of the United States.
- National Association of Cotton Manufacturers.
- National Association of Manufacturers.
- National Association of Wool Manufacturers.
- National Automobile Chamber of Commerce.
- National Boot and Shoe Manufacturers' Association.
- National Council for Industrial Defense.
- National Erectors' Association.
- National Founders' Association.
- National Implement and Vehicle Manufacturers' Association.
- National Metal Trades Association.
- Rubber Association of America (Inc.).
- Silk Association of America.
- United Typothetae and Franklin Clubs of America.

In order that the statements and recommendations which the committee here makes may be truly representative of industrial opinion, we have called to our counsel the executive heads of the foregoing 17 national associations, comprising in their membership more than 18,000 manufacturers, representatives of a majority of State associations of manufacturers, and, in addition, a large number of executive officers of industrial organizations engaged either directly or indirectly on the production of war essentials. These statements and recommendations express the unanimous opinion of this large body of representative manufacturers.

In approaching a discussion of the relation of employer and employee at this critical hour we believe we are animated by a spirit worthy of the time and place and the gravity of the circumstances, which makes an equitable and harmonious adjustment of employment relations a matter of national necessity.

The Council of National Defense has deemed this subject of such consequence that it created a committee on labor, substantially directed and controlled by representatives of the largest national unions, which, after due deliberation, issued, through its executive committee, a statement apparently intended to declare certain fundamental policies of industrial relationship which should apply during the period of the war. Perhaps the most important sentence of this statement was the declaration that "neither employers nor employees shall endeavor to take advantage of the country's necessities to change existing standards." Differences of interpretation and opinion led to a further amplification and explanation and accompanying declarations, which were indorsed by the Council of National Defense.

These were to the effect that standards of safety and service established by State or Federal law should remain in effect unless and until, under the exigencies of war, the Council of National Defense, after proper investigation, should recommend some modification as essential to the national safety. It was likewise urged that inasmuch as the standard of living was particularly dependent upon the purchasing power of wages, no arbitrary wage change should be sought through the medium of strikes or lockouts by employer or employee without affording the established State or Federal mediums of arbitration or conciliation an opportunity to adjust disputes without stopping production, and it was especially urged that "employers and employees in private industries should not attempt to take advantage of the existing abnormal conditions to change the standards which they were unable to change under normal conditions."

Despite these timely admonitions, we find ourselves entering the fifth month of war faced with unprecedented demands for war production seriously interrupted and delayed by numerous strikes and threats of strikes in every part of the country, some of which are likely to assume the proportions of a national interruption of essential service in our factories and shipyards.